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THE

HISTORY

OF THE

UNITED STATES OF AMERICA.

BY RICHARD HILDRETH.

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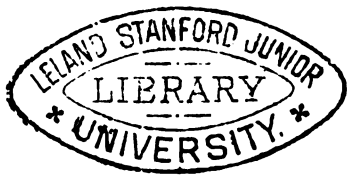
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1807. Oct. 21.

IN compliance with the president's proclamation, the tenth Congress came together some six weeks earlier than the ordinary day. The Federalists were reduced to a handful. There were but six senators of this party; Hillhouse and Chauncey Goodrich, of Connecticut, the latter in place of Tracy, recently deceased; Bayard and White, of Delaware; and Pickering and Adams, of Massachusetts. Even Adams they were soon to lose; a change of which he had given some premonition by having voted during the last Congress in favor of the bill restricting importations from Great Britain, and more recently, by taking part in a Democratic indignation meeting, got up at Boston, in reference to the outrage on the Chesapeake. Plumer's time having expired, New Hampshire, as well as Vermont and Rhode Island, had now a full Democratic delegation; and even Plumer himself was soon to imitate the example about to be set by Adams, of abandoning a fallen party.

The most noted senators on the other side were Dr.

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Mitchell, of New York; Smith, of Maryland; and Giles, of Virginia. The Georgia seat, left vacant by Baldwin's death, was presently filled, and not less ably, by William H. Crawford. The Kentucky seat, lately filled for a single session by Henry Clay, was now occupied by John Pope. Crawford, like Clay, was a Virginian of humble origin, who had emigrated in early youth to seek his fortune in a new state.

The leading Federalists in the House were Dana, of Connecticut; Quincy, of Massachusetts; Barent Gardinier of New York; and Philip B. Key, of Maryland, the last two new members; but even including four or five malcontent Democrats, led by Randolph, the opposition could not muster more than eight-and-twenty votes. On the side of the administration there were of old members, Varnum and Crowningshield, of Massachusetts; George Clinton, Jr., and Mumford, of New York; Sloan, of New Jersey; Clay, Findley, and Smilie, of Pennsylvania; Macon, of North Carolina; Williams of South Carolina; Lyon, of Kentucky; and from Tennessee, George W. Campbell, Scotch by birth, but educated in America. Among the new members appeared Richard M. Johnson and Joseph Desha, of Kentucky; Ezekiel Bacon, of Massachusetts, who supplied the place of Bidwell, appointed attorney general of that state; and Wilson Cary Nicholas, of Virginia, who had come into the House, at Jefferson's special request, to act as leader for the administration—a position, however, to which he did not attain. The Representatives' hall, in the south wing of the unfinished capitol, being at length completed, the House assembled in it for the first time; but what they gained in splendor they lost in comfort and convenience, as the new hall, with its multiplied echoes and strange reflections of sound, proved equally bad for speaking

and for hearing. The sickness and consequent absence of Macon afforded the Northern Democrats a favorable opportunity for placing one of their number in the speaker's chair. Varnum was elected, but only by a bare majority of one vote, several of the Southern Democrats declining to support him.

The president gave, in his message, a narrative of the late negotiations with Great Britain, and a statement of his reasons for rejecting the treaty. "Some of the articles might have been admitted on a principle of compromise, but others were too highly disadvantageous; and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations." An account followed of the attack on the Chesapeake, of the steps taken in consequence, and of the instructions sent to Monroe and Pinkney to demand reparation, to which a reply was daily expected. The president wound up with complaints not only that one of the men taken from the Chesapeake had been executed as a deserter, but that the proclamation, ordering all British ships of war to leave the waters of the United States, had not been obeyed. As things stood, the choice seemed to lie between the entire exclusion of foreign ships of war from our harbors, or the maintenance at each of them of an armed force sufficient to compel obedience to our laws. The "expense of such a standing force, and its inconsistency with our principles," were, in the president's opinion, reasons enough for dispensing with courtesy, and for excluding foreign ships equally with foreign troops; but how it would be possible to maintain this exclusion without the help of a standing force he did not explain.

Nothing had yet been accomplished with Spain toward

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the settlement of the boundaries of Louisiana, and of the claims against her for commercial spoliations. To these long-standing complaints a new and serious grievance had been added by the issue of a Spanish decree, similar in its tenor to the French decree of November 21st, 1806; whether, in its application to the United States, it would receive a similar construction, had not yet been ascertained. Such was the only allusion in the message to Bonaparte's Berlin decree, under which, in spite of the assurances to Armstrong, large seizures had already been made of British goods belonging to Americans, and numerous captures of American vessels having such goods on board; though no final condemnations of American property were yet known to have taken place under it. But while thus reserved with respect to France, the president did not fail to set forth as a new violation of maritime rights the British order in council of January 7th, putting an end to the neutral coasting trade between ports occupied by the enemies of Great Britain.

The message expressed great dissatisfaction at the acquittal of Burr. Whether defect in the law, maladministration of it, or insufficiency of evidence had occasioned that acquittal, the president did not undertake to decide. The implication, however, was sufficiently strong that the failure had been in the interpretation of the law, the amendment of which, so as to guard the government against "destruction by treason," was pressed upon the attention of Congress.

The state of the treasury furnished a more agreeable subject. With Jefferson's two predecessors, means to meet the annual expenditures had been a constant subject of anxiety. Between retrenchment of current expenses and increasing productiveness of the import du-

ties, the result of a vastly extended commerce, which had raised the annual revenue to sixteen millions of dollars, he had never been subjected to any such embarrassment. In the six years and a half since his accession, twenty-five and a half millions of the public debt had been paid off, all that could be by the terms of the loans; while the treasury now contained not less than eight and a half millions in money, besides as much more in outstanding duty bonds.

The custody of this increasing surplus by the United States Bank, and the profits thence accruing to that institution, were by no means agreeable to the president. What should be done with it, had already been a subject of discussion in previous messages. A reduction of the revenue to the level of the expenditure would have seemed most consonant to Jefferson's system; but, so far from entertaining that idea, he had resorted to some finesse to secure the continuance, for general purposes, of the additional two and a half per cent. originally imposed under the name of the Mediterranean fund for the prosecution of the Tripolitan war. In a former message, he had suggested the application to internal improvements of the surplus revenue, though he seemed to think that to authorize that, an amendment of the Constitution might be necessary. He now recommended to employ a part of it in completing the defense of the exposed parts of the coast, "on a scale adapted to our principles and circumstances."

Among other outlays of which, in consequence of the attack on the Chesapeake, the president had taken the responsibility, was the purchase of timber for additional gun-boats. The Committee on Aggressions soon brought in a bill appropriating upward of $600,000 to cover these expenses, and another appropriating $852,500 toward

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building or buying a hundred and eighty-eight new gun boats. A third bill appropriated $750,000, raised finally to a million, for fortifications. The Federalists wished to double the amount, but were told in reply that the appropriation was not intended for permanent works, but for the purpose of movable artillery to co-operate with the gun-boats, according to Jefferson's plan of defense. Some suggestions were thrown out, in which some of the Democrats from the commercial districts seemed to concur, as to the expediency of completing the six seventy-fours, the materials for which had been collected in Adams's time; but the administration leaders spoke with detestation of a navy, the attempt at maintaining which was even denounced as having brought on the country the disgrace of the late affair of the Chesapeake.

The seventy gun-boats already completed had cost $10,000 each. The whole fleet, at the same rate, would require some two millions and a half, a sufficient sum, so the Federalists stated, to complete the six seventy-fours, and to build, in addition, four or five frigates of the first class. Each boat, in active service, would need forty men, at a yearly expense of $11,000; more men and more money, in the aggregate, than would suffice to keep the seventy-fours and frigates afloat. But to this it was replied that, ordinarily, eight or ten men would answer for each boat; it would be time enough to supply the full complement just as the boats were going into action. The greater part of the advocates of this system freely admitted their total ignorance of nautical affairs; but this lack of knowledge was supplied by implicit faith in the wisdom of the executive, subscription to the gun-boat system being made, in fact, a sort of test of political orthodoxy.

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While this feeble scheme of coast protection was under discussion, events occurred in Europe not without a most important bearing on the position of the United States as a neutral nation. Already, before the meeting of Congress, news had arrived of the peace of Tilsit, by which Bonaparte had been made, as it were, the dictator of continental Europe. By that treaty, the kingdom of Prussia, curtailed of more than half its territory, became completely subservient to Bonaparte, who erected out of its western provinces the new kingdom of Westphalia, which he bestowed upon his brother Jerome. The Emperor of Russia agreed to adopt, and to assist in enforcing, Bonaparte's favorite Continental system; and it was also resolved between the two emperors to compel Sweden, Denmark, and Portugal, the only remaining powers at peace with England, to come into that system, and to contribute their fleets toward a new naval struggle. The Swedish territory on the south shore of the Baltic was speedily occupied by French troops. Finland, not long after, fell into the hands of the Russians; but Sweden Proper, surrounded by water, except at the extreme north, and covered by the British fleets, defied the assaults of the new allies. The British ministry were early informed, through their well-paid spies, of the secret provisions of the treaty of Tilsit; and in anticipation of the designs of France against Denmark, a formidable British armament suddenly appeared before Copenhagen, and demanded the surrender of the Danish fleet, which being refused, the ships were seized by force, and carried to England. This attack, without previous notice, upon a neutral power, news of which reached the United States subsequently to the meeting of Congress, and of which the only justification was an alleged secret intention of the French to do the same thing, could not but

July 7.

Aug. 17.

Sept. 2–8

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increase in America as well as in Europe, the outcry against England of grossly abusing her naval supremacy.

1807. Indeed, this very seizure of the Danish ships was cited in Congress as indicating what, probably, would be the fate of an American navy, should any attempt be made to build one. The King of Portugal, wholly unable to resist a French army assembled under Junot on the borders of his kingdom, agreed to declare war against Great Britain. But as he firmly refused to confiscate, without previous notice, or time given in which to remove it, the British merchandise in his territory, Junot at once commenced his march upon Lisbon. Having no other refuge, the Portuguese court and royal family

Nov. 27. sought security on board the ships in the Tagus; and sailing thence, they transferred with themselves the seat of the Portuguese empire to their transatlantic province of Brazil, which, by this change, ceased to stand any longer in a position of colonial dependence.

The French armies, released by the peace of Tilsit, were immediately employed to enforce the new Continental system. Bremen, Hamburg, and Lubec were occupied by French troops. All the ports of the Baltic were shut to British commerce, and a large number of British vessels bound for Continental ports were obliged to return home without landing their cargoes. As to American property and American vessels, Regnier, grand judge and minister of justice, gave in the emperor's name an interpretation of the Berlin decree very different from that intimated to Armstrong some ten months before. According to this new interpretation, all merchandise derived from England and her colonies, by whomsoever owned, was liable to seizure, even on board neutral vessels; and whether even the vessels themselves might not also be liable to confiscation, was a point reserved for future decision.

To Armstrong's inquiries whether it was intended to set aside the provisions of the existing convention between France and the United States, Champagny, now minister for foreign affairs, coolly replied that it was eleven months since the decree of blockade against Great Britain had been promulgated, and that the principal powers of Europe, so far from any protest against it, had agreed to enforce it. To render it effectual, its execution must be complete—a thing easily to be reconciled with the obligation of treaties, since the disregard by England of the rights of all maritime powers, by rendering their interests common, had united them all in one common cause. 1807.

In conformity with the intention thus announced of forcing the United States into, at least, a passive co-operation with Bonaparte's schemes against British commerce, the French Council of Prizes decreed the confiscation of the cargo of the American ship Horizon, which had accidentally been stranded on the French coast, the ground of condemnation being that the cargo consisted of merchandise of British origin; and this piece of treacherous inhospitality fitly served as a precedent for the speedy confiscation of a large amount of American property, already, from time to time, seized or captured under color of the Berlin decree, and hitherto held in sequestration. Nov. 10

Almost simultaneously with this extension of the Berlin decree to American vessels and property, a not less violent attack was made by Great Britain upon the rights of neutrals; or, more precisely, upon the commercial rights of the United States, now the only neutral. Orders in council, dated the 11th of November, but not actually promulgated till the 17th, prohibited any neutral trade with France or her allies, in other words, with the

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whole of Europe, Sweden excepted, unless through Great Britain. All neutral vessels, whatever their cargoes, bound to any port of France or her allies, were required, under pain of capture and condemnation, first to touch at some British or Irish port, and there to pay such re-exportation duties as might be imposed, and to obtain, by the payment of certain fees, a British license to trade to the Continent. Nor was any export to be allowed of the produce of France or her allies, except in vessels which had complied with the foregoing regulation, all such vessels being further required to return to some British or Irish port, and there to unlade their cargoes as a preliminary to shipment to the neutral country. Neutral vessels which, previous to notice of this new system, had sailed for any hostile port, if fallen in with by any British cruiser, were to be ordered to some port of Great Britain or Ireland, or to Gibraltar or Malta, whence, having first paid such duties as should be established, they might proceed to their ports of destination; or, if they preferred it, they might land and enter their goods in Great Britain. A further ground of capture, after the lapse of sufficient time for the order to become known, was to be, the having on board French consular "certificates of origin," required since the Berlin decree, as proof that the goods sought to be imported into France were not of British origin.

Although the plea of retaliating the issue of the Berlin decree afforded a colorable pretext for these orders, they were, in reality, but a further carrying out of that restrictive policy as to neutral commerce urged for some time past upon the British government by the greedy jealousy of the British colonial merchants and shipowners, and of which the restrictions on the colonial carrying trade had been the first fruit. Their effect

was to deprive American vessels of all their neutral advantages, and, so far as regarded the trade to Europe, to place them on the same level with British vessels. One advantage was indeed left them, in the supply of the French, Spanish, and Dutch colonies with provisions, lumber, and other American products, and the transport of the produce of these colonies for the supply of the United States: but the very lucrative carrying trade between these colonies and their mother countries, engrossed of late by American vessels, so much to the envy of the British ship-owners, was either entirely cut off, or made to circulate through Great Britain, subject to duties, transhipment, and other embarrassments.

To these orders Bonaparte very soon responded in a new decree, dated at Milan, invigorating and extending the decree of Berlin. This Milan decree pronounced every vessel "denationalized" and forfeited which should submit to be searched by a British cruiser; which should pay any tax, duty, or license money to the British government; or which should be found on the high seas or elsewhere, bound to or from any British port. Spain and Holland, with their usual subserviency, forthwith issued similar decrees. Dec. 17.

The armed schooner Revenge, which had carried to England the instructions to Monroe and Pinkney respecting the assault on the Chesapeake, having, on her return, touched at a French port to receive Armstrong's communications, brought dispatches announcing officially what had been known three weeks before through the French and British newspapers—Bonaparte's new exposition, through Regnier, of the Berlin decree, in its application to neutral commerce, with information, now first received, of the actual carrying out of this new doc- Dec. 11.

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trine in the condemnation of the Horizon. The ship Brutus, from Liverpool, which arrived the same day at New York, brought London papers to the 12th of November, in which it was stated that orders in council were about to be issued, declaring France and the countries under her control in a state of blockade—a reference, no doubt, to the orders dated the day before, but which had not then been published, and were not till a week afterward.

Dec. 16. On the receipt of Armstrong's dispatches, the president sent a message to the two Houses, inclosing Regnier's new interpretation of the Berlin decree, the correspondence on that subject between Armstrong and Champagny, and Armstrong's protest addressed to Champagny against the condemnation of the Horizon's cargo. He sent also a copy, cut from a newspaper, of the proclamation of October 19th, mentioned in the preceding chapter, recalling British seamen from foreign service, the issue of which had been officially notified to the American government, though no certified copy of it had yet been received. These papers were referred to in the message as "showing the great and increased dangers with which our vessels, our seamen and our merchandise were threatened on the high seas and elsewhere, from the belligerent powers of Europe." It "being of the greatest importance to keep in safety these essential resources, I deem it my duty," so the message concluded, "to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States. Their wisdom will also perceive the necessity of making every preparation for whatever event may grow out of the present crisis." In the Intelligencer

of the day of the delivery of this message, the London statement as to the anticipated issue of orders in council, in retaliation for the Berlin decree, was printed along with the other English news received at New York by the Brutus; but neither in that paper, nor in the president's message, nor in the accompanying documents, nor in either House while the message was under consideration, was any allusion made to that statement as a reason or ground for the measures recommended and adopted.

Immediately on the receipt of this message, the Senate, with closed doors, dispensing with its rules, which require the several readings of a bill to take place on different days, and disregarding the appeals of the feeble minority for a little delay, in a four hours' session passed a bill laying an embargo on all the shipping in the ports of the United States. The two senators from Connecticut, the two from Delaware, Pickering, Crawford, and M'Clay of Pennsylvania, voted against it; all the Democrats, except Crawford and M'Clay, for it; also John Quincy Adams, who signalized his adherence to the policy of the administration by a display of very vehement zeal. "The president," he urged, "has recommended this measure on his high responsibility. I would not consider, I would not deliberate, I would act. Doubtless the president possesses such further information as will justify the measure."

The president's special partisans in the House were not less zealous for immediate action; but it was impossible quite to come up to the precipitation of the Senate. The bill from that body was debated in Committee of the Whole, with closed doors, three days, Friday, Saturday, and Monday, the sittings on Friday and Saturday being protracted late into the night, in hopes of compelling the committee to report the bill. Having been re- Dec. 21.

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ported on Monday with some verbal amendments, Quincy moved an additional section, excepting fishing vessels on their giving bonds not to engage in any commerce. This was rejected, 82 to 45. A motion to take off the injunction of secrecy, and to proceed with open doors, was lost, 75 to 52; after which the bill was put upon its final passage, and was carried about midnight, 82 to 44. The Senate having concurred in the amendments of the House, the bill was signed by the president, and became a law. It prohibited the departure, unless by special direction of the president, of any vessel from any port of the United States bound to any foreign country, except foreign armed vessels possessing public commissions, and foreign merchant ships in ballast, or with such cargo only as they might have on board when notified of the act. All registered or sea-letter vessels—the latter denomination including foreign-built vessels owned by Americans—which, during this restriction from foreign voyages, might engage in the coasting trade, were to give bonds, in double the value of the cargo, to reland the same within the United States.

Dec. 22.

Thus, on the mere recommendation of the executive, almost without debate, with closed doors, without any previous intimation to the public, or opportunity for advice by those most able to give it, was forced through, by night sessions, and the overbearing determination of a majority at once pliant and obstinate, an act striking a deadly blow at the national industry, and at the means of livelihood of great numbers, the real nature and inevitable operation of which seem to have been equally misapprehended by the cabinet which recommended, and by the majority which enacted it.

Ever since the time of the Stamp Act and the non-importation agreements entered into on that occasion, an

idea had prevailed of the efficacy of the suspension of commercial intercourse as a means of sustaining the rights of America against interference from abroad. Such had been the first resort of the Continental Congress at the commencement of the Revolution, in the famous non-importation and non-exportation agreement known as the American Association. After the close of the Revolutionary war, and prior to the adoption of the Federal Constitution, several of the States, Virginia most eagerly and most decidedly, had employed similar means, limited, however, on that occasion to discriminating duties on tonnage and goods, in an attempt to compel Great Britain to come into their views of commercial reciprocity. In the first Congress under the Federal Constitution, and afterward, a similar policy had been very warmly urged, first by Madison, and then by Jefferson, in his famous report on the commerce of the United States; and again in the debate on Madison's resolutions founded on that report. Very lately, after a long interval, the policy of those resolutions had been adopted in the act prohibiting the import of certain British manufactures, an act already twice suspended, but which had just gone into operation—the House, after a very acrimonious debate, and in spite of numerous mercantile petitions, having refused, by a vote of 80 to 50, to suspend it a third time.

Immediately preceding Jay's mission, during the state of excitement caused by the issue of British orders in council restricting neutral trade with enemies' colonies, an embargo had been laid, first for thirty days, and then for thirty days longer; and according to Monroe, and others of the more ardent opposition at that time, it had been the allowing that embargo to expire that had compelled Jay to submit to what they considered as such

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unfavorable terms. Without any distinct notions of its operation and effects, an embargo seems to have been

1807. vaguely regarded as a defensive and retaliatory measure of potent efficacy; and the expediency of resorting to it in case of the failure of the demand on Great Britain for reparation in the case of the Chesapeake, had been suggested in the newspapers, Federal as well as Democratic.

The passage of the act, therefore, sudden as it was, did not take the public entirely by surprise. Being regarded merely as a temporary measure, though it contained in itself no limitation, it was at first sullenly submitted to both in Congress and out of it. But this submission did not prevent extensive evasions, to which the act, as first hurried through, was exceedingly open, the haste and inexperience of its framers, while placing at the disposal of the president the revenue cutters and the navy as means to enforce it, having left the act without penalties and other necessary safeguards, as though commerce could be stopped by a mere word of command. The enrolled coasting vessels, of which no bonds were required to reland their cargoes within the United States, hastened to take on board merchandise fitted for the West India islands, whither they made sail, under pretense of being blown off the coast, willing to risk the slight penalty of the old revenue laws for the hope of a

1808. rich market. To meet this difficulty a supplementary

Jan. 8 act was speedily passed, by which coasting and fishing vessels of every description, as well as registered and sea-letter vessels engaged in the coasting trade, were required to give bonds to reland their cargoes in the United States. All vessels violating the act were to be forfeited, with their cargoes. The master was subjected to a fine of from $1000 to $20,000, and the owners and parties concerned in the outfit to a penalty double the value of the vessel and cargo.

As the pressure of the embargo, re-enforced by this supplementary act, began to be felt, loud complaints began also to be made that the true motives of its passage, and reasons for it, had not been avowed. The injunction of secrecy had indeed been taken off; but of the papers laid before Congress, none were printed except Regnier's exposition of the Berlin decree, and the proclamation recalling British seamen, both of which had previously appeared in the newspapers. Armstrong's correspondence with Champagny, though communicated to Congress, was not made public; his correspondence with his own government had not been communicated even to Congress. Not only had a motion to ask the president for it been rejected during the secret session, but the journal of that session had been so made up that even the fact of such a motion did not appear.

The receipt of dispatches from Armstrong, announcing a gross attack on neutral rights, openly avowed and defended by Bonaparte's ministers, and understood by the Americans in France as equivalent to a declaration on his part that he would not permit any neutral commerce, had been made the occasion for the embargo. Yet the measure itself seemed to be aimed not so much at France as at Great Britain, to which country and her colonies much the larger proportion of American produce was exported. The preservation of our ships, seamen, and merchandise had been alleged in the president's message as the object in view; but how could that be a reason for refusing to allow the exportation of our produce in foreign vessels? If the dangers that threatened the American flag were too great to be encountered, our ships, instead of being laid up to rot at the wharves, might still have been sold to British merchants, who would have assumed all the risks of the transportation of our produce, which, without a market abroad, would

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soon become almost worthless at home. The first person to suggest an embargo, after the House went into secret session, had been Randolph; but the embargo which he advocated was of the kind above indicated, one to extend to American shipping only. He was very ready, in perfect consistency with his previously-expressed opinions, to escape the whole question of neutral rights by abandoning the ocean. Such an embargo would indeed have proved almost equally ruinous to the American navigating interest with the one actually adopted; but that was a sacrifice which, in the present state of affairs, Randolph considered inevitable, and every way preferable to a war, or the risk of it, either with France or Great Britain. But though he could contemplate with calmness, if not indeed with complacency—a feeling by no means confined to him—the total ruin of the Northern merchants and ship-owners, Randolph had refused to give his sanction to an act which, in its ultimate consequences, if long persevered in, must, as he clearly perceived, involve the ruin also of the landholder and planter. The embargo, as adopted, seemed to him to indicate, not so much a determination to guard against collisions with the belligerents, as to strike a blow at Great Britain, even at the risk of desperate injury to ourselves. Bonaparte's avowed resolution to allow no neutrality; the dispatches received from France, the contents of which had not been communicated to Congress; and immediately after the receipt of those dispatches, the passage of the embargo, at the suggestion of the executive—an act of which the real operation was to make the United States a party to Bonaparte's schemes for destroying the commerce of Great Britain—all these circumstances put together created a suspicion among the opponents of the administration that the embargo had been in fact produced by the threats of Bonaparte.

threats supposed to have been conveyed to the American cabinet in the uncommunicated dispatches of Armstrong, and similar to those which had prevented the occupation of that part of Florida claimed under the Louisiana treaty.

That the real object of the embargo was to operate rather upon Great Britain than on France, is sufficiently evident from the ground taken at the moment by its authors. The third day after the passage of the act, there appeared in the National Intelligencer a semi-official vindication of it, expressed in the following terms: "A crisis has arrived that calls for some decisive steps. The national spirit is up. That spirit is invaluable. In case of war, it is to lead us to conquest. . . . In such an event, there must cease to exist an inch of British ground on this continent. The people having shown their spirit, the season has arisen for the government to sustain, second, and direct it. To delay any longer to do this would be to jeopardise its existence. The crisis not requiring war, still hoping, if not expecting peace, an embargo is the next best measure for maintaining the national tone. It will arm the nation. It will do more, it will arm the executive government. It is an unequivocal and efficient expression of confidence in the executive, and it gives the president a new weapon of negotiation; for, in the present state of the world, even negotiation has ceased to be pacific: without being backed by force, it is an empty sound. The embargo furnishes this weapon, a sword not drawn from the scabbard. By it every member of the community will be sensibly impressed with the solemnities of the crisis, and will be prepared for events. The public will be impatient for the decision of the great interests depending. All will be anxious for a restoration of their ordinary pursuits. Our

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negotiator will be armed with the public sensibility. He will be restrained to require a definitive answer, and the whole nation will call upon him with one voice to require that this answer be prompt. The negotiant of a foreign nation, if his instructions be amicable, will himself perceive the necessity of a prompt and candid answer, and give it; and if hostile, the sooner the truth comes out the better." In all this there is evidently no reference to France, the whole article having in view the negotiation with Rose, special British minister on the affair of the Chesapeake, now daily expected, and who shortly after arrived. The American government still persisted in their scheme of connecting that affair with the general question of impressment; and, whatever might be the pretenses under which the embargo had been sprung upon the nation, its great, at least its immediate object, seems to have been to re-enforce the negotiation with Great Britain by an unexpected display of energy, earnestness, and self-denial; the attack of Bonaparte on the commerce of Great Britain giving to this pressure from the side of America the greater effect, and having, in fact, encouraged Jefferson to venture upon it.

Pending the negotiation with Rose, Congress was occupied with several matters, very exciting at the time, but of temporary interest. A great deal of feeling still existed on the subject of Burr's conspiracy. His acquittal was very commonly ascribed by the more violent Democrats to partiality, if not to corruption in the court. Luther Martin, one of his counsel, had been burned in effigy by the mob of Baltimore. The Federalists, on the other hand, were inclined to make light of the whole affair. They could see no evidence of any serious design to divide the Union; and they denounced the attempts

to convict Burr and his associates of treason as a piece of vindictive malice and persecution. Wilkinson's connection with the affair of Burr subjected him to severe animadversion; the more so that his conduct had been warmly approved, and his acts sustained by the executive. John Randolph, who had been one of the grand jury by whom the indictments against Burr had been found, had conceived a very bitter antipathy against Wilkinson, principally, perhaps, from the value which Jefferson seemed to place on his services. In consequence of insinuations that Wilkinson had first conspired with Burr and then betrayed him, insinuations to which, as was his wont, Randolph gave very free utterance in all companies and on all occasions, Wilkinson sent him a letter amounting in substance to a challenge. Not content with declining a meeting, on the very proper ground that he was not to be called to account for opinions formed on a public question in the course of his official duties, and entertained and expressed by multitudes besides himself, Randolph, who could seldom forego the opportunity for insult, added the additional reason that Wilkinson was a disgraced man, and, as such, beneath his level. Stung by this answer, Wilkinson posted Randolph as "a prevaricating, base, calumnious scoundrel and coward"—a charge which seemed to have the more point in it from Randolph's habitual insolence toward Eastern members of Congress, who, as he well knew, would not fight, for the sufficient reason, if for no other, that they could not do so without offending their constituents and forfeiting their seats. Against Wilkinson, Randolph had already found an efficient ally in Daniel Clarke, delegate from the territory of Orleans, the same to whom Burr had carried, on his visit to that territory, a letter of introduction from Wil-

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kinson, and who was believed to have been a good deal mixed up in Burr's schemes. The former friendship between Clarke and Wilkinson had lately come to a bitter end, as Wilkinson avers, because he had exposed Clarke's exaggerated pretensions, upon appearing as the delegate from Louisiana, to great wealth and importance at home. However that might be, Clarke had clubbed forces with Randolph; and the very day that Wilkinson's denunciation made its appearance, Randolph, as if to justify himself, produced and read in the House several documents going to show that Wilkinson in 1796 and 1797 had been a pensioner of Spain, and, as such, had received considerable remittances from New Orleans, then in possession of the Spaniards. For further information he referred to Clarke, who pretended great reluctance, but who, being called upon by a special order of the House, made a statement, as if it were forced from him, tending to the same point. This statement was based upon information which Clarke claimed to possess from having formerly been a clerk under the Spanish government of Louisiana, and was sustained by the testimony of one Thomas Power, an Englishman by birth, and first a Spaniard, and then an American by naturalization, who professed to have been the agent of the Spanish government at New Orleans in its Kentucky intrigues, and in the transmission to Wilkinson of a considerable sum of money.

These documents, the reading of which produced a great excitement, were sent by Randolph to the president, who ordered a military court of inquiry, which, indeed, Wilkinson had himself requested. It appeared by the result of this inquiry, and more fully upon subsequent investigation, as well by two successive committees of Congress, as finally by a court-martial, that the

sums of money paid at several times to Wilkinson, and the transmission and receipt of which had excited suspicions against him, were merely remittances toward the discharge of a balance due on a mercantile contract with the Spanish government, entered into during his visit to New Orleans, previous to the adoption of the Federal Constitution, and while he was acting as a merchant in Kentucky. More than four years were consumed in these successive investigations, during which Wilkinson remained under imputations to which the Federalists gave ready currency, and to which were added also accusations, no better founded, of overcharges in his accounts with the government.

While the House was occupied with this accusation against Wilkinson, a process of inquiry was going on in the Senate into the conduct of John Smith, one of the senators from Ohio, accused of being concerned in Burr's conspiracy, he himself having been previously on intimate terms with Burr, and one of his sons having shared in the expedition down the Mississippi. John Quincy Adams, as chairman of a committee to whom the matter had been referred, gave fresh proof of adhesion to the administration in a vehement report, in which the expulsion of Smith was recommended. Smith, on the other hand, was heard in his own defense. He alleged as proof of his ignorance of any treasonable designs on the part of Burr, indeed of any designs not approved by the government, his great zeal and activity, as soon as the president's proclamation reached Ohio, in efforts to break up the enterprise by stopping Burr's boats. The proposition to expel was sustained by a majority of the senators; but as a two thirds' vote was needed for that purpose, Smith still retained his seat.

The inconveniences and discomforts of Washington,

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yet but a miserable straggling village, still continued to be severely felt. The new Representatives' hall, by its ill adaptation whether for speakers or hearers, occasioned great dissatisfaction. The city of Philadelphia, anxious to win back the seat of government, offered to provide all the requisite accommodations at its own expense. A vast excitement was occasioned in the district, and no little time consumed in the House by the discussion of a resolution for removal, brought forward by Sloan, and which came within a few votes of passing. Among other objections taken to Philadelphia by the Southern members was the liability to anti-slavery annoyances there, in which point of view a decided preference was expressed for either Boston or New York.

Another very violent debate grew out of the presentation of a resolution, unanimously passed by the Legislature of Massachusetts (in which there was now a Democratic majority), pressing upon Congress a settlement of the claims of the Mississippi land companies. The mere mention of this subject roused up all Randolph's fury. Seconded by several other Southern members, he assailed the claimants in the most opprobrious terms, and thus succeeded, as several times before, in preventing any effectual action.

Jan. 29. Some five weeks after the passage of the Embargo Act, the British orders in council of November 11, in retaliation of the Berlin decree, arrived in America, and some

Feb. 18. three weeks later, Bonaparte's Milan decree; both which documents were successively laid before Congress by the president, as new proof of the wise precautionary character of the embargo. These documents did, in fact, go far to prove that the position of pure neutrality, so long and so advantageously maintained by the United States, was now no longer possible. Neither Bonaparte nor

Great Britain would tolerate any neutral commerce. What, under these circumstances, was to be done? At first view, three courses appeared to lie open—to side in the pending commercial struggle with France; to side with England; or, by withdrawing altogether from all exterior commerce, to avoid siding with either party. This last seemed to be the policy of the administration; but the opposition did not fail to perceive, though at first, perhaps, not very distinctly, that this idea of siding with neither party was a delusion; this pretended impartial measure of withdrawing from foreign trade being, in fact, a direct siding with Bonaparte in his efforts to ruin Britain by the destruction of her commerce. Such an embargo, on the other hand, as Randolph had recommended, would have been not only a siding with Great Britain, but a gratuitous and unnecessary surrender to her of the whole carrying trade between the United States and the rest of the world.

Whether to side with Great Britain or France might be considered, first, as a purely economical question; secondly, in a political point of view; or, thirdly, as a question of sympathy and feeling.

The economical question, apart from mere prejudices and partialities, would, with our present lights, seem exceedingly plain. To side with France, whether openly, by a declaration of war against Great Britain, or covertly, by attacking her commerce through the medium of prohibitions and an embargo, would, of course, involve the total ruin of American navigation and foreign trade, to which the country for some sixteen years past had been so greatly indebted, while by siding with Great Britain, herself our best customer, the most extensive and valuable portion of our commerce might still be preserved. France might, indeed, exclude us from the

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European countries under her control; but, in the present condition of her navy, she could place in the way of our trade with all the rest of the world nothing but piratical privateering annoyances of no great moment. Such was the view taken by the great body of the merchants and ship-owners—by all, indeed, of whatever calling, who perceived the intimate connection between foreign commerce and the agricultural industry of the country, a few excepted, with whom violent political sympathies and antipathies extinguished or distorted all other considerations.

But there were great numbers among even the most intelligent of the planters and farmers, to whom, at that day, the intimate connection between agriculture and commerce was by no means so obvious. "You ask me what I think," so Jefferson had written in 1785, "of the expediency of encouraging our states to become commercial? Were I to indulge my own theory, I should wish them to practice neither commerce nor navigation, but to stand with respect to Europe precisely on the footing of China. We should thus avoid wars, and all our citizens would be husbandmen." Considering, however, the decided bent of the Eastern States for trade and navigation, Jefferson at that time despaired of carrying out his theory, and had even perceived and acknowledged the necessity, since America would have ships and commerce, of having a navy to protect them. His having since abandoned the idea of a navy would go to prove that his ill opinion of commerce had rather gained than diminished in strength, which is the more likely, as the opposition to his administration had come mainly from the commercial sections of the Union. So far from looking upon the destruction of American commerce and navigation as an evil, he might have regarded the present crisis of affairs as a favorable occasion for

accomplishing a beneficial social revolution, to which, under ordinary circumstances, the prejudices and habits of the mercantile and sea-faring part of the community would have opposed invincible obstacles. These prejudices against commerce were not peculiar to Jefferson. Even the sagacious Franklin had spoken of trade as "generally cheating," and of agriculture as the only honest source of gain. A large part of the Southern members of Congress, and many of those from the Middle States, regarded trade as little better than a system of blood-sucking, by which a few, without contributing any thing to the actual production of wealth, engrossed to themselves the lion's share of it. The difference between the price which they received, and that for which the products of their plantations were finally sold to the consumers, appeared to them as so much abstracted from their pockets. Those who entertained these opinions were easily led to imagine that the inconveniences arising from the embargo must be chiefly confined to the maritime population. Even should its indefinite continuance result in the total destruction of foreign commerce, a great national benefit might thereby be accomplished, at the expense exclusively of the merchants, ship-owners, and sea-faring people.

Looking at the question in a political light, it was clearly perceived by the Federalists that a persistence in the present policy would result, sooner or later, in a war with Great Britain, while a war with Great Britain seemed certain to bring with it an alliance with France. To great numbers, and those among the most intelligent of the community, such an alliance was an object of the utmost alarm The allies of Bonaparte sunk very soon into abject and oppressed subjects. The miseries endured by unfortunate Holland, aggravated to a high

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pitch by the late anti-commercial decrees; the projects for the personal aggrandizement of Bonaparte and his family, pursued now without disguise; the whole history of Europe since the recommencement of the war; caused French alliance to be regarded with horror, especially by that section of the Federalists known as the Essex Junto. Any intimate union, on the other hand, with Great Britain, such as would naturally follow from a rupture with France, was regarded with no less dread and horror by the administration and its partisans, as certain almost to result in restoring the Federalists to power, if not, indeed, in reannexation to Great Britain.

The views which men take of their interests, whether pecuniary or political, are always essentially modified by their sympathies and antipathies, which, in all matters of human action, ever exercise a powerful, if not a predominating influence. The Federalists, especially the Essex Junto men, saw in Bonaparte a usurper who had raised himself to power by trampling under foot the rights of his fellow-citizens, and, on that very account, infinitely more to be detested than any hereditary sovereign, however arbitrary. Not content to be the tyrant of France, where the last vestiges of popular power, of representation, and of the freedom of the press had been finally extinguished, he now aimed openly at universal empire, to be achieved by means of a new military nobility of his own creation. As one step toward this new empire, he had decreed the extinguishment of foreign commerce, thus striking a dangerous blow, not at the power and independence of Great Britain only, but at the enrichment, civilization, and good neighborhood of the world. In Great Britain, on the other hand, they perceived the now sole champion of national independence, of national rights, of human liberty. The struggle

for existence in which she was engaged roused every impulse of affection and respect. Britain was their mother country. Her present danger had extinguished in their hearts all the hatred which the revolutionary contest had kindled. Sympathizing with her struggles, they abhorred the idea of being drawn in to take part against her. Loudly as they might hitherto have complained of her overbearing insolence and forgetfulness of the rights of others, of her impressments, searches, blockades, and interferences with neutral trade, in view of the conduct of France, and of the spirit evinced by their own government in the recent negotiations, they were now ready to accept her excuses, and to forgive much in consideration of her extraordinary position. CHAPTER XX. 1808.

In these generous sentiments which some of the Federalists, in the ardor of opposition, pushed presently to great lengths, the administration and its partisans, especially the old French faction, by no means yet extinct, were very far from participating. As between Bonaparte and the British aristocracy, they inclined to side with Bonaparte. If he was an emperor, he was at least an emperor of democratic origin, who had begun by being a Jacobin, and had been elevated by the joint effect of his own efforts and talents, and of the popular choice. Though he might be engaged in building up a new aristocracy (often, indeed, the real aim of those who make the loudest democratic professions), he had, at least, the merit of keeping down an old one. Several of the leading Democratic prints, the Aurora at their head, were his special admirers and eulogists. In bitter, inextinguishable hatred of Great Britain, Bonaparte and they had at least one common point of sympathy; and in the humiliation of that haughty power, one common object of desire. How strong and prevalent this antipathy to

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England was, fully appeared on the floor of Congress. A suggestion by Livermore, of Massachusetts, that, since the United States were driven by invincible necessity to choose between the belligerents, a regard as well for commercial interests as for the independence of nations ought to induce them to side with Great Britain, was received with marked indignation, almost as if there had been something treasonable in it.

But the partisans of the administration, while they scouted the idea of siding with Great Britain, no less indignantly denied the charge of being under French influence. In a debate on a second supplementary bill, designed to provide new and more stringent means for enforcing the embargo, Gardinier, of New York, denounced

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the whole system with great vehemence, as a sly, cunning measure, of which the avowed object was different from the real one. "The avowed object is to save our vessels and property from capture; the real one seems to be, to establish a total non-intercourse with all the world. Is the nation prepared for this? To settle that point, tell the people what your object is; tell them that you mean to take part with the grand pacificator. Else stop your present course. Do not go on forging chains to fasten us to the car of the imperial conqueror! We are engaged perpetually in making additions and supplements to the embargo. Wherever we can spy a hole, though it be no bigger than a wheat straw, at which industry and enterprise can find vent, all our powers are called into requisition to stop it. The people of this country shall sell nothing but what they sell to each other. All our surplus produce shall rot on our hands. God knows what all this means; I can not understand it. I am astonished; I am dismayed. I see effects, but I can trace them to no cause. I fear there is an

unknown hand guiding us to the most dreadful destinies, unseen because it can not endure the light. Darkness and mystery overshadow this House and the whole nation. We know nothing; we are permitted to know nothing. We sit here as mere automata. We legislate without knowing, yea, without wishing to know why or wherefore. We are told what to do, and we do it. We are put in motion; but how, I, for one, can not tell.

"The gentlemen of this House, with whom I have the honor to act, are disposed to do all that men can do for their country; but we wish to know what we are doing—the tendency of the measures we are called upon to adopt. If the motives and principles of the administration are honest and patriotic, we would support them with fervor; but we are kept in total darkness. We are treated as enemies of our country. We are permitted to know nothing, and are execrated because we do not approve of measures, the origin and tendency of which are carefully concealed from us. We are denounced because we have no confidence in an executive that refuses to discover to us or to the nation its actual position!".

This sharp attack threw the administration leaders into a paroxysm of passion. Gardinier was repeatedly called to order, and even threats to expel him were thrown out. Campbell and others protested with great vehemence against the insinuation of French influence. Not content with vindicating the embargo as a measure of necessary precaution, they assailed Gardinier with such a torrent of personal abuse as to provoke a challenge from him, and a duel, in which he was shot through the body by Campbell, escaping barely with his life.

The new supplement to the embargo extended the March 12.

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prohibitions of that act to boats and vessels of all descriptions, though neither registered, licensed, nor possessed of a sea-letter. Foreign vessels (which, as the law then stood, were allowed to participate in the coasting trade) were forbidden to convey cargoes from one part of the United States to another, without first giving bonds not to proceed to a foreign country. Masters of fishing vessels were required, on their return from each trip, to submit to an examination, under oath, whether they had landed any fish at any foreign port. Like restrictions were placed on exportations by land, which were getting to be very extensive. All carriages so employed, with their lading, and the cattle attached to them, were subjected to forfeiture, in addition to fines imposed on their owners.

These violent attempts to suppress all exportations were a little counterbalanced by some mitigating enactments. Some relief had already been afforded to holders of coffee, sugar, cocoa, indigo, pepper, and Madeira wine, imported for re-exportation, as well as to the owners of foreign goods of all sorts on shipboard for exportation when the embargo was laid, by granting an extension on the bonds given for duties, the articles to remain meanwhile in the custody of the custom-house. The prohibition of the importation of certain British manufactures was again suspended, as to all American vessels which had left the United States previous to the late going into effect of that act, provided they returned within six months, or twelve months if from beyond the Cape of Good Hope; and by a clause in the new supplement to the embargo, the president was authorized to allow vessels to depart in ballast for the sole purpose of bringing home American property abroad. But this clause, under which a large number of vessels went to

sea, soon occasioned a great clamor, as opening a wide door to favoritism, and as having led, on the part of some of the favored, to very profitable violations of the embargo. CHAPTER XX. 1808.

Not only did the administration party in the House deny with energy the charge of acting under French influence; they disclaimed also, with no less energy, any intention of going to war with Great Britain. And they did this with the more emphasis, after the submission to the House of Armstrong's correspondence—finally extorted from the president by repeated charges that the threats of the French government, conveyed in it, had occasioned the embargo—since at least it did appear from that correspondence that Champagny had plainly told Armstrong that to declare war against Great Britain was the only way to bring about the repeal of the Berlin decree. The embargo was defended, on the other hand, as pre-eminently a peaceful measure, a mere internal municipal regulation, perfectly equal in its operation upon all the belligerents, and of which neither party had a right to complain; and as if to give earnest of the pacific intentions of the government, and to extinguish all idea of war, a bill for raising a body of sailors to man the gun-boats, introduced by the Committee on Aggressions, and which had passed several stages, was suddenly arrested by an intimation from the president that the men would not be wanted. A project for enlisting a large military force was stopped short in like manner. Feb. 26.

But the progress and termination of the negotiation with Rose soon caused a change of measures. Not only was Rose instructed to keep the affair of the Chesapeake distinct from other topics of controversy, but when the American government at length yielded that point, he still declined to specify the reparation which he was em- Jan. 26

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powered to offer, until the president's proclamation forbidding British ships of war to enter the waters of the United States had first been recalled. That proclamation which subjected the British ships on the American station to the serious inconvenience of obtaining all their provisions and water from Halifax, was represented by Rose as an undertaking on the part of the United States to right themselves, inconsistent, so long as it lasted, with the expectation of any voluntary reparation by the British government beyond the disavowal already made. Madison insisted, on the other hand, that the proclamation was a general measure of precaution, proper, and even necessary, independently of the affair of the Chesapeake. Yet he was willing to promise that, should the reparation offered be deemed satisfactory, the proclamation should be withdrawn as soon as that reparation had been made. But this offer Rose refused to accept. He insisted on the withdrawal of the proclamation as preliminary to any offer on his part; and upon this difference the negotiation was broken off, Rose returning home to lay the matter before his government.

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It having become apparent that Rose's mission would end in nothing, the president sent a message to the House, with a report from the Secretary of War, asking an addition to the regular army of six thousand men, five regiments of infantry, one of light artillery, one of riflemen, and one of dragoons, to be enlisted for five years, unless sooner discharged. Two additional brigadier generals were also asked for.

Nothing had been hitherto more characteristic of Jefferson's policy than the reduction of the army to a mere frontier guard against the Indians. The president and his partisans had strenuously resisted the policy of keeping in array any considerable force, whether for immediate use, or as a hint to other nations that we had means

at hand both of annoyance and defense. The doctrine had been preached of sole reliance upon the moderation and propriety of our own conduct, and the sense of justice in other nations, with such aid as might be furnished by gun-boats, movable cannon, and a patriotic militia. This sudden call for six thousand additional regulars seemed a little extraordinary to some good Democrats imbued with this discipline, and taught to regard a standing army as a Federal abuse. If war was intended or expected, so small a force seemed wholly inadequate. If there was not to be a war—and warlike intentions were expressly disclaimed by the administration—what more need was there now of this addition to the army than at any time during the past six years? Such were the questions put by Randolph; and some of the Democratic members were a good deal puzzled how to reconcile support of this bill with the objections which they themselves had made to the army of 1798. Others, more flexible, leaving their consistency to take care of itself, repeated, as their own, the very witticisms formerly employed by the Federalists in ridicule of the alleged danger of standing armies in time of peace. The bill passed by a large majority, sixteen only in the negative, Federalists and Democrats in about equal proportion.

Among the colonels presently appointed for these new regiments was Wade Hampton, late a member of Congress from South Carolina, and formerly an officer in the Continental line of that state, who had since accumulated a vast fortune by successful land speculations; he counted his slaves by thousands, but was more skilled, as it afterwards proved, in the arts of accumulation than of war. Among the other new colonels were Alexander Smythe and Alexander Parker, of Virginia; and John P. Boyd, of Massachusetts; all, as well as Hampton, afterward generals, but not destined to any great mili-

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tary renown. Hampton, indeed, was almost immediately appointed one of the new brigadiers. The other was Peter Gansevoort, Jr., of New York, who had distinguished himself during the Revolution by the defense of Fort Stanwix. Lieutenant Zebulon Pike, who had exhibited a good deal of energy and intelligence in the explorations in which he had been employed of the Upper Mississippi, the Arkansas, and other Western rivers, was made a major of one of the new regiments. Among other young officers, afterwards distinguished, who now entered the military service for the first time, were Winfield Scott, of Virginia, as captain; and Zachary Taylor, of Kentucky, as first lieutenant. Jefferson took the opportunity of at once rewarding and soothing Duane, of the Aurora, by giving him a commission as lieutenant colonel of riflemen—an appointment which seems to have secured the influence of the Aurora in favor of the successorship of Madison. But in taking up the sword, which he did not long retain, Duane did not lay down the pen, in the use of which weapon his powers chiefly lay. The weight and influence of the Aurora was, however, much diminished. It had found a dangerous rival not only in the National Intelligencer, the regular organ of the cabinet, but in the Democratic Press, lately set up at Philadelphia, and edited by John Binns, "the tenant of twenty-six jails," as Duane afterward ill-naturedly described him, a young refugee Irishman of education and ability, who, after various prosecutions and imprisonments at home for political offenses, had sought refuge in America about the time of Jefferson's accession. Nor was Duane the only editor thus provided for. Well aware of the influence of the press, Jefferson rewarded four or five others by giving them commissions in the new regiments.

Besides this increase of the regular army, the president was authorized to call out 100,000 militia, and a good deal of time was spent on a project, which failed, however, as usual, for reorganizing and classifying that national force. An act was passed instead, which still remains on the statute-book, appropriating the annual sum of $200,000 toward procuring arms to be distributed among the states in the ratio of their effective militia. But, with characteristic negligence, for four or five years after its passage this act was very imperfectly executed. As the arsenals, under Jefferson's economical administration, had been drained of their contents, $300,000 were appropriated for the purchase of arms, and half as much more for sulphur and saltpetre. The appropriations for all these various measures of defense, gunboats, fortifications, increase of the army, munitions, arms, and calling out the militia, amounted to near five millions of dollars.

An attempt, toward the end of the session, to increase the naval force in commission, was most violently opposed. Williams, of South Carolina, "was at a loss to find terms sufficiently expressive of his abhorrence of a navy. He would go a great deal further to see it burned than to extinguish the fire. It was a curse to the country, and never had been any thing else. He had always voted against these high federal measures, and he thanked God he now had an opportunity to vote against them again." Macon, the late speaker, "had supposed that after the affair of Copenhagen, the nation would think no more of a navy." Under the influence of such feelings and such arguments, the bill failed to pass.

Two important Indian treaties were ratified at this session, and appropriations made to carry them into effect. For $50,000 to be appropriated to the discharge

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of debts due to certain traders, a gratuity of $500 each to three principal chiefs, besides an annuity of $50 during their chieftaincy, and goods to the value of $3000 to be annually furnished to the nation, the Choctaws ceded that wide tract intervening between the settlements about Natchez, and those on the Tombigbee, including all the southern portion of the present state of Missis sippi. For $10,000 payable in goods, and an annuity of $2,400, the Ottawas, Chippewas, Wyandots, and Potawatomies ceded a great tract of territory north of the Maumee, from the junction of the Au Glaze eastward, and extending up the River Detroit and Lake Huron, so as to include a third part or more of the peninsula of Michigan.

Several very affectionate and flattering addresses, some of them from state Legislatures, had urged upon Jefferson to continue in office for a third presidential term. These addresses had remained unanswered till just before the enactment of the embargo, when the president stated in reply to one of them, his fixed intention to retire, as well on account of his age and growing infirmities, as on the democratic principle of rotation in of

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fice. Some three weeks after this announcement, Bradley, one of the Vermont senators, and chairman of the congressional caucus of 1804, took upon himself to issue written notices to the Republican members of both Houses, to assemble on a specified day and hour in the Senate Chamber, for the purpose understood, though not mentioned, of nominating candidates for the presidency and vice-presidency. The caucus was not called, however, with any view to discussion or selection, but only to endorse Madison, long ago designated for the successorship by an understanding between Jefferson and himself; and

specially to support whose claims a short-lived newspaper, called the Monitor, had lately been started at Washington.

Of the hundred and thirty Democratic senators and representatives, eighty-nine were present at the caucus. Jan. 23
Of those not present, some were prevented by sickness, business, or absence from the city, while a few kept away because they were opposed to what they knew would be done. Eighty-three ballots were cast for Madison as candidate for the presidency, three for George Clinton, and three for Monroe. For the vice-presidency, Clinton, the incumbent, received seventy-nine votes. Madison and Clinton were accordingly pronounced the candidates of the Democratic Republican party. John Quincy Adams placed the seal to his transfer of party allegiance by being present at, and taking a part in this caucus. The assumption by members of Congress of the designation of the presidential candidate was no new thing; but it was new to hold the nominating caucus in this public and open manner, as if this selection of candidates were a part of their recognized trust. As if to meet and evade an expected charge of usurpation and unauthorized interference, the caucus declared, that, in making the nomination, they had acted "only in their individual character as citizens." They excused their interference as arising from the necessity of the case, and a deep conviction of the importance of union in the present crisis of internal and external affairs.

The Federalists were no longer formidable; but there did appear some danger of division in the Republican ranks. Two days before this congressional nomination, Jan. 21.
two separate caucuses had been held at Richmond, where the Virginia Legislature was then in session, by the respective friends of Madison and Monroe, between whom

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a very eager rivalry had sprung up. A hundred and thirty-four members of the Assembly had given Madison a unanimous nomination. In the other caucus, attended by sixty members, ten ballots had been given for Madison, and the rest for Monroe. Each caucus nominated its ticket of electors, and both entered into the canvass with great zeal. Monroe had lately reached home, in no very good humor. He believed that his continuance at London had been purposely protracted, to secure Madison an advantage in being on the ground; nor was he altogether free from suspicion that the late treaty with Great Britain, so unceremoniously rejected without being even submitted to the Senate, had fallen a victim to apprehensions lest the eclat of so successful a negotiation, backed perhaps by Federal votes, might carry its author, over Madison's head, into the presidential chair. In this state of mind, he wrote from Richmond a long official letter, communicated to Congress toward the end of the session, and, along with other documents relating to the treaty, published by order of the House. This letter not only vindicated the provisions of that treaty against the criticisms of Madison's official dispatches, but placed its summary rejection in a light not very creditable to the president and the secretary. Jefferson, who still affected, as to this contest for the presidency, a perfect neutrality, endeavored to calm down Monroe by soothing letters; and the offended ex-embassador and candidate, as he could get nothing more, professed to be satisfied. To have come to an open breach with Jefferson would indeed have been fatal to his prospects. A formal pro-

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test against Madison's nomination presently appeared, signed by seventeen Republican members of Congress, the most noted of whom were Smith, of Maryland; John Randolph; his friend and partisan, Joseph Clay, one of

the representatives from the city of Philadelphia; and Mumford and George Clinton, Jr., representatives from the city of New York. Not only was the authority of Bradley and the regularity of the caucus called in question, the protest denied the necessity of any caucus nomination, and very freely criticized the candidate selected. Nominations by a congressional caucus had first been resorted to, so it was stated, when the Federalists were a powerful party, to make head against whom a necessity existed for concentrating the Republican vote. But even then, so far as the presidency was concerned, the proceeding was but nominal. Public opinion had previously determined the Republican candidate for that office, the caucus being held only with a view to secure such co-operation in the party as might result in the election of a Republican vice-president. The Federalists being now powerless, no excuse existed for such dictation, so contrary to the professed principles of Republicanism, a virtual transfer, in fact, of the election of president from the people to a few political managers. "A danger of more than ordinary magnitude arises," so the protest continued, "from the influence which may be used by the president over meetings of any individuals at the seat of government. The hope or the promise of office may be employed to induce a nomination either of himself or of a favorite successor; and it requires but little sagacity to foresee the consequences of such corruption." "We acknowledge that the aspect of our foreign affairs is unpromising. We are, perhaps, on the eve of a war with one of the greatest powers of Europe; we are therefore strongly impressed with the difficulties of our situation. In such a crisis, if unanimity in the choice of president is necessary, that choice should be directed to a man eminently calculated,

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by his tried energy and talents, to conduct the nation, with firmness and wisdom, through the perils which surround it; to a man who had not, in the hour of terror and persecution, deserted his post, and sought in obscurity and retirement a shelter from the political tempest; to a man not suspected of undue partiality or enmity to either of the present belligerent powers; to a man who had not forfeited his claim to public confidence by recommending a shameful bargain with the unprincipled speculators of the Yazoo companies—a dishonorable compact with fraud and corruption. Is James Madison such a man? We ask for energy, and we are told of his moderation; we ask for talent, and the reply is, his unassuming merit; we ask what were his services in the cause of public liberty, and we are directed to the pages of the Federalist, written in conjunction with Alexander Hamilton and John Jay, and in which the most extravagant of their doctrines are maintained and propagated!"

The protesters, and others who agreed with them in opinion, without having the courage to give their names, were unanimous enough as to the unfitness of Madison; but as to the person who ought to be president, they were by no means agreed. It was thought by Vice-president Clinton and his friends that Virginia had enjoyed already her full share of high offices, and that, according to the rule of promotion hitherto followed, the vice-president ought to succeed, and Monroe to be content for the present with being Clinton's successor. Clinton himself published a letter, in which he totally disavowed any connection with or consent to the proceedings of the caucus at Washington. But, unfortunately for the political influence of New York, the Democratic party in that state was divided into two bitter

factions, and the friends of the late Governor Lewis, excluded from all share in state offices by the Clintonians, hastened, along with the remnant of the Burr party, to come out as special supporters of Madison, for the very purpose of damaging the prospects of Clinton. His claims, however, continued to be zealously supported by Cheetham in his American Citizen, the leading Republican journal of New York. CHAPTER XX. 1808.

The divisions among the Pennsylvania Democrats operated also in Madison's favor. The present House of Representatives of that state, much like the preceding one, was almost equally divided between the Conventionalists, or ultra Democrats, who demanded a convention to revise the state Constitution, and the Constitutionalists, or combined Federalists and Democratic friends of M'Kean. The attempt to impeach Governor M'Kean was again renewed. Six charges were brought forward, the sixth being that of an alleged attempt to influence Duane to withdraw a civil suit which he had commenced against Joseph M'Kean, the governor's son, for the old affair of the beating in 1799, the governor holding out as inducement, the discontinuance of two suits in the name of the commonwealth pending against Duane on two recognizances, which several years before he had been compelled to give, to publish no libels. The governor retorted this charge by procuring an indictment against Leib, Duane, and others, for an alleged conspiracy to corrupt and overawe him. His enemies having failed by three votes to carry their articles of impeachment through the House, he addressed a long message to that body, reviewing the articles with his usual ability, admitting the facts alleged in the sixth, but denying the inferences of any corrupt partiality, or that any case of misbehavior under either of the articles ex- Jan. 7.

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isted against him. Having begun with a solemn declaration that no act of his public life had originated in a corrupt motive, nor without a deliberate opinion that the act was lawful and proper in itself, so he ended, not less boldly, with protesting—honestly, no doubt, for such is the power of self-deception, especially with men of his temperament—that, whatever might have been the imperfection of his judgment, he had never been actuated in any private or public pursuit by envy or malice, by the love of power, or the pursuit of wealth.

The approaching close of M'Kean's term of office (since, under the Constitution, he was not again re-eligible), threatened to break up the recent union between the conservative section of the Republicans and the Federalists. They found it impossible to agree on a common candidate, and the friends of M'Kean hastened to secure favor at Washington by coming out zealously in favor of Madison. The same legislative caucus of these friends of M'Kean which nominated one Spayd as their candidate for governor, nominated also a ticket for presidential electors pledged to vote for Madison. The Con-

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ventionalists, in a caucus at which delegates were admitted from those counties without Conventionalist Representatives in the Assembly—a modification of the caucus system now first introduced—renominated Snyder as their candidate for the office of governor, and also a ticket of presidential electors, headed by the venerable Charles Thompson—unpledged, but, as was afterward vehemently asserted, with the tacit understanding that they were to vote for Clinton and Monroe. However that might have been, the zeal of the Aurora in behalf of Madison, subsequent to Duane's military appointment, and the expressed opinion of numerous local public meetings, soon began to intimate a different result.

The Federalists thus abandoned by their former allies, reorganized themselves, with Ross again for their candidate, but without the slightest prospect of success.

Meanwhile, as the pressure of the embargo began to be more and more felt, so the contrivances to evade it grew more and more ingenious, daring, and effectual. St. Mary's, in Georgia, and Eastport, in Maine, both situated just on the frontier, and communicating by navigable inland waters, the one with the Spanish territory of Florida, the other with the British territory of New Brunswick, had already become great store-houses for flour and other produce, to be smuggled over the border on the way to the West Indies, Halifax, and other markets. Extensive exportations were also made from Vermont and New York, by rafts and boats through Lake Champlain, and down the St. Lawrence. To put a stop to these and other evasions, new and more stringent provisions were found necessary. By a third supplement to the embargo, all lake, river, and bay craft were required April 25. to clear in due form like sea-vessels, and to furnish the collectors with manifests of their cargoes, and with proof within two months afterward, that the same had been relanded within the United States. Sea-vessels were forbidden to take on board any cargo whatever, except under the inspection of a custom-house officer. Collectors were authorized to seize and detain all suspected vessels. No clearances were to be granted to ports adjacent to foreign territories, except by special permission of the president. All unusual collections of provisions and merchandise in such ports were to be seized, and detained until the owners should give bonds not to carry them out of the United States. Foreign vessels were excluded from the coasting trade altogether. Penalties

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were increased and multiplied; and authority was given to employ the gun-boats, and other armed vessels of the United States, in searching and seizing all vessels suspected of violating the act.

Soon after the passage of this act, the president went so far as to send a circular to the collectors of the customs, directing them to exercise their authority to detain suspicious vessels, by refusing to grant clearances to vessels laden with flour. But as Massachusetts and other states were obliged to import flour for their own consumption, the governors of those states were authorized to grant permits to merchants in whom they had confidence; and such permits, freely granted by Governor Sullivan, of Massachusetts, soon became a regular article of traffic in the Southern ports.

It was attempted to put a like restriction on the rice of South Carolina; but Judge Johnson, of the Supreme Court of the United States, on application to him for that purpose, issued a mandamus to the collector of Charleston to grant clearances. The ground of this decision was, that the president's circular was invalid, the exercise of discretion in these cases being vested by the act of Congress, not in the president, but in the collectors personally. Jefferson was not a little vexed at this proceeding, coming, as it did, from the first appointed Democratic judge; and it served to confirm his strong prejudices against judges and courts, to him doubly objects of hatred, as instruments of tyranny in the hands of the Federalists, and as obstacles to exercises of power by himself, stringent no doubt, but legitimate in his opinion, as having the sanction of the popular will, and intended for the public good.

In forcing upon the country the total abandonment of the export trade, if not by a political trick, at least by

sudden surprise, without opportunity for deliberation, or any distinct exposition of its real motives or objects, or statement of the time for which it was to be continued, Jefferson and Madison, with all their professed abhorrence of executive dictation, had ventured on an exercise of executive influence and authority such as neither Washington nor Adams had ever dreamed of. Yet Jefferson was far from having miscalculated the extent of his dictatorial power. The zeal of the administration majority in defending the embargo fully equalled the blind facility with which they had been led to adopt it. The petitions which poured in for its repeal were contemptuously set aside as parts of an electioneering scheme designed to throw odium on the administration. Even a motion in the Senate by John Quincy Adams, who began to be alarmed at his own precipitancy, to inquire how soon the embargo might be repealed, was very summarily rejected. A proposition in the House to substitute for it an allowance to merchant vessels to arm themselves, and to associate for mutual convoy and protection, was voted down by a large majority. But the president was vested with a discretion sufficiently accordant with that confidence which had led to the adoption of the embargo, to suspend the act and its supplements, in whole or in part, in case of peace in Europe, or of such changes in the measures of the belligerents affecting neutral trade as might, in his judgment, render the navigating the ocean by American vessels "sufficiently safe." In a very warm debate on this proposition, Quincy suggested some views as to the probable effect of the embargo abroad, which proved too prophetic. "Let us once declare to the world that, before our embargo policy be abandoned, the French orders and the British decrees must be revoked, and we league against us whatever spirit of hon-

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or and pride exists in both those nations. Not to do that under a threat, which otherwise we might do from motives either of justice or interest, is a common and necessary principle of national as well as of personal dignity. No nation will easily be brought to acknowledge such a dependence on another as to be made to abandon, by a withholding of intercourse, a settled line of policy. And, besides, by proclaiming to the world the terms on which alone the embargo is to be raised, we compromise ourselves; for we are not merely pledged to raise it when those events occur, we are pledged to keep it on until they do occur. If we solemnly avow our purpose, can we recede from it afterward without disgrace? It is infinitely wiser to leave the reasons of the embargo in that obscure and mystical light in which they have hitherto remained. Let us not commit ourselves as to its object. Let it continue to be as it has been, sometimes intended to save our seamen, sometimes to save our property; now to constrain France, and now to take vengeance on Great Britain; at one time to protect commerce, at another to encourage manufactures; to-day an attempt to preserve our neutrality, to-morrow a trial with Great Britain which shall do the other the most harm; thus leaving us, in the undefined field of contingencies, ground enough to retreat upon.

"Any other course places the whole commerce of the United States at the mercy of foreign nations. The language of that policy is, Rescind your decrees and your orders, or we will, in our wrath, abandon the ocean! And suppose Great Britain, governed by the spirit of mercantile calculation, should reply, If such be your mode of vengeance, indulge it to your heart's content! It is the very thing we wish. You are our commercial rivals, and by driving you out of the market, we shall gain more than we can lose by your retirement!

"Are gentlemen prepared to prove that such will not be the interest of Great Britain? Or, supposing it not to be so, are they altogether certain that, under some more powerful impulse, she may not mistake her interest? In either case, the melancholy alternative will alone be left us of abandoning forever the highway of nations, or of retracing with shame a policy adopted without sufficient caution.

"The commerce of the United States may be of importance enough to France and Great Britain to incline both those nations to grant to us, for the sake of its continuance, many and great commercial privileges; but that it is of so much consequence to either, that, for the sake of its enjoyment, France will be tempted to forego a policy having for its object to crush the only obstacle to her march to universal empire, or Great Britain to abandon a system adopted as the only means of preserving her national existence, now in peril on all sides, I, for one, do not believe.

"It is to be feared that, having grown giddy with good fortune, attributing the greatness of our prosperity to our own wisdom, rather than to a course of events over which we have had no influence, we are now entering that school of adversity, the first blessing of which is to chastise an overweening conceit of ourselves. A nation mistakes its relative consequence in thinking that its countenance, or its intercourse, or its existence, is all-important to the rest of mankind. An individual who should retire from intercourse with the world for the purpose of taking vengeance on it for some real or imaginary wrong, would, notwithstanding the delusions of self-flattery, be certainly taught that the world moved along just as well after his dignified retirement as before. Nor would the case of a nation which should make a

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similar trial of its consequence be very different. The intercourse of human life has its basis in a natural reciprocity, which always exists, however national or personal vanity may often suggest to inflated fancies that, in the intercourse of friendship, civilities, or business, they give more than they receive."

In a subsequent speech, Quincy disposed of another topic much relied upon in defense of the embargo. "You undertake to do by your laws what laws never did do nor can do; you undertake to protect better the property of the individual than his own sense of personal interest would induce him to protect it. The interest which society has in the property of the merchant is much better secured by his own prudence and knowledge of his business than by any general law. This is your great mistake, which will be understood, because it will be felt by the people. In a case like the present, the true course of policy would have been to say to the merchants, We shall not defend you; here are the facts: there are the orders of one nation, there the decrees of the other; you see your danger; we have given you all the information we have; do as you please."

The zeal in favor of the embargo evinced on the floor of Congress was not without strong encouragement from out of doors. That measure had originated in the opinion, very prevalent then, and by no means yet extinct, especially in the Southern States, that the producers of raw material have the consumers of it always in their power, and may at any time bring them to terms by cutting off the supplies; as if this dependence were not reciprocal; as if, in all these cases of commercial collision, the poorer party, that is to say, the producer of the raw material, were not always the first to go to the wall! Under the influence of that national vanity indicated

by Quincy, the great body of the Democrats fondly believed that, from the embargo, that "strong measure," as it was exultingly called, great national triumphs would speedily flow. Rejoicing in the hope of starving the slaves in the West Indies, and the British manufacturing operatives, they quite overlooked the destitution inflicted at home, the first victims of which were the sailors and fishermen, those very "seafaring fellow-citizens," to rescue whom from the danger of impressment the quarrel with Great Britain had been rashly pushed to its present extremity, numbers of whom, thrown out of employment by the embargo, sought relief in abandoning their country, and entering on board British ships.

Resolutions were adopted by the Legislatures of Virginia, Maryland, Pennsylvania, and even of Massachusetts—of which the Legislature as well as the executive had passed, in the spring of 1807, into the hands of the Republicans—approving the president's policy, and promising to support it. Nor did the spring elections of the present year—though the price of wheat had fallen, since the laying on of the embargo, from two dollars to seventy cents per bushel—give any very decisive indications of a change.

De Witt Clinton had at first opposed the embargo policy, and his organ, the American Citizen, had criticised it with a good deal of sharpness. This had provoked from the moribund Thomas Paine a violent attack, which Cheetham, the editor, on Paine's death, about a year afterward revenged by a memoir of his former master in religion and politics, by no means very complimentary. Cheetham adhered to the stand he had taken; but, under the pressure of political interest, De Witt Clinton gave in his adhesion to the embargo, and upon that very question the commercial city of New York

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was carried against the Federalists by a majority of more than a thousand votes. The Tammany Society, which had been lately converted, under the management of some of Burr's old adherents and other enemies of Clinton, into a political organ, did not choose to be out-done in zeal. A quantity of human bones had been lately exhumed by the washing away opposite New York of an old hospital burying-ground, employed as such by the British during the revolution. These bones were at once proclaimed by the zealous members of that patriotic society as the sacred relics of eleven thousand five hundred martyrs of British barbarity, who had perished during the war of the Revolution on board the Jersey and other British prison-ships. A grand procession and funeral ceremony were got up for their interment, and the occasion was fully improved to stimulate hatred against Great Britain. As Cheetham's paper still continued to oppose the embargo, thereby losing its party caste, a new Clintonian paper was established called the Columbian, and published by that Holt, who, as editor of a Democratic journal at New London during the administration of John Adams, had been tried and fined under the sedition law.

New Hampshire, with Langdon for governor, still adhered to the administration. In Massachusetts, Sullivan was re-elected, with Lincoln as lieutenant governor; but after a very vehement struggle, the Federalists obtained in both branches of the Legislature a small majority. Previously to this election, and while the Democratic Legislature was still in existence, Pickering, in a very able letter addressed to Governor Sullivan, had forcibly stated his objections to the embargo, which he stigmatized as a first step toward war with Great Britain, into which the administration had been led by French threats

or seduction. Pickering's request to the governor to lay his letter before the Legislature had been declined on the ground that it was "a seditious, disorganizing production." The governor denied, also, the right of state Legislatures to meddle with national questions, or, at least, the expediency of their doing so. But, though suppressed by Sullivan, this letter soon appeared in the newspapers; and before long it drew out a reply from John Quincy Adams. In this reply Adams declared his conviction that the whole of the present difficulties by which the United States were encompassed, even the Berlin and Milan decrees, originated in the unwarrantable maritime pretensions of Great Britain; nay, more, that the British ministry entertained serious designs of bringing back the United States to colonial subjection, toward which the late orders in council were a first step, since submission to them would be in substance a relinquishment of our national independence; and pretty broad insinuations were added that Pickering and his friends of the Essex Junto were quite ready to aid in such a consummation.

The new Legislature of Massachusetts, in spite of a deprecatory speech from Governor Sullivan, took up as its first and principal business the anomalous position of trade and navigation—a question in which that state was deeply interested, as owner of more than one third of the shipping of the Union. The views of the majority were expressed in a series of able resolutions, which began by calling in question the constitutional power of Congress to impose an unlimited embargo—an experiment, so far as it had in view the coercion of foreign nations, novel and dangerous, doubtful in its effects abroad, and full of disaster at home. Supposing the embargo to be constitutional, yet the vast authority delegated to the

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president to regulate the coasting trade, and to grant exemptions and dispensations from the rigor of the law, was denounced as a dangerous opening for partiality, tending to prepare the country for the habitual surrender of the legislative power into a single hand. Though our true policy was a peaceful one, the people of Massachusetts would ever be ready to endure all privations, and to make every exertion to support the dignity and to enforce the reasonable pretensions of the nation. The resources of the country being fully adequate to the protection of its maritime and territorial rights, they ought to be directed and employed in such preparations as the experience of ages had demonstrated to be alone effectual for that purpose. A naval force was especially necessary, and the senators and representatives of Massachusetts were pressed to urge upon Congress effectual steps in that direction. The general government having been expressly instituted to provide for the common defense and general welfare, and to preserve the blessings of liberty, must while it secures those inestimable objects by an equal and paternal solicitude for the various sections of the Union, be supported at every expense and every hazard. But the general government was one thing, and the administration of it another—that administration being only entitled to the confidence of the people, when, by a full, fair, and frequent display of its purposes and policy, it preserved itself from the imputation of partiality and prejudice, and of undue fear and affection in the conduct of foreign as well as of domestic affairs.

Moderate as these resolutions were in their terms, there yet lurked, especially in the concluding sentences, innuendoes of local partiality and foreign influence which stung the administration to the quick; and its principal

organs speedily replied by impassioned charges against the Massachusetts leaders of being under British influence, tools of that nation to defeat the salutary effects which the embargo, if backed by national unanimity, was sure to produce. 1808.

As the senatorial term of John Quincy Adams was to expire with the next session of Congress, the Legislature had an opportunity to express their dissatisfaction with his recent conduct, which they did by choosing James Lloyd, an eminent merchant of Boston, in his place. Adams thereupon sent in his resignation for the remainder of his term, to supply which also, Lloyd was elected, giving as a reason for his resignation, that the resolutions just passed by the Legislature seemed, so far as the opinions of a majority of that body might go, to enjoin on the representation of the state in Congress a sort of opposition to the national administration, in which, consistently with his principles, he could not concur. The Federalists, however, did not fail to note that the remainder of the term thus resigned was only one short session; and that, in giving his moral support, Adams gave to the administration all that was of any value, the overwhelming Democratic majority in the Senate making one vote more or less in that body a matter of no consequence. Adams's sudden change of party just as his senatorial term was about to expire, and at a time when the prospect was that the vacancy would be filled by a Democratic Legislature, exposed him to the charge of having acted the part of a political mercenary. Believing, it was said, that the Federalists had no longer any chance of re-establishing their political power, he had seized the first convenient opportunity to transfer himself to the dominant side, and, by a blind and implicit submission to the dictates of the executive, to

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take that test of political orthodoxy most current at Washington. The Essex Junto Federalists, who had regarded the conduct of the elder Adams in reopening the negotiation with France as a piece of treachery to the Federal party, now exclaimed, with upraised hands, that treachery was hereditary in the family.

It might, however, be urged, on Adams's behalf, that there was no inconsistency between giving his present support to the administration, and any political opinions which he had formerly maintained. The questions of the amount of British aggressions compared with those of France, and of the best way of meeting those aggressions, were, in a great measure, new ones. John Quincy Adams had never shared, and his opinions in this respect corresponded with those of his father, that strong disposition to side with England in the contest going on in Europe, which, during his father's administration, had become the distinguished feature of Essex Junto Federalism. All the adherents, at least all the leaders of that party, owing to their quarrel with the elder Adams, were objects to his son of strong personal dislike; and however political expediency might hitherto have required him to smother this feeling, he might be the more ready, on that account, to take the first good opportunity to separate from them altogether.

John Quincy Adams was, moreover, like his father, of an extremely pugnacious temperament. The vehement spirit, and the tone of paradoxical exaggeration which breathes through his pamphlet in reply to Pickering, were highly characteristic of the man. It is, indeed, a curious circumstance, that, near thirty years afterward, having filled in the interval the presidential chair, he again lost an election, by the Legislature of Massachusetts, to the Senate of the United States, part-

ly, at least, in consequence of a belligerent speech, made pending the election, in the House of Representatives at Washington, in the spirit of which the people of Massasetts did not concur. CHAPTER XX. 1808.

There was, however, a specific reason set up by Adams; hinted at in his reply to Pickering, communicated to Jefferson in a formal interview during the next session of Congress; not long afterward distinctly stated, as we shall soon see, in print; and on several occasions formally reiterated, as affording a sufficient justification for his separation from the Federalists. This was an alleged plot, on the part of some of the Essex Junto, known to him, as he asserted, for several years past, for dissolving the Union, and forming the Northern States into a separate confederacy. That he sincerely believed in the existence of such a plot, to which further reference will hereafter be made, there can be little doubt. He belonged, indeed, to a sufficiently common class of minds, which never find the least difficulty in believing any and every thing which falls in with their antipathies or their wishes. Yet, considering John Quincy Adams's whole political career, and his character as therein developed, his sudden transfer of himself, at this particular crisis, to the Democratic party, appears to have been much more influenced by personal considerations than by patriotic terrors. His expressed opinions upon all political questions, as well as his course of political action, seem, indeed, to have ever been determined, not so much by any political system or theory, or even by local views or personal attachments, as by the effect which the advocacy of this or that system of policy might be likely to have, for the moment, on his own private political prospects. Of truth or right, in the abstract, his

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perceptions were not strong. He had none of that spirit of philosophical generalization so conspicuous in his father. He was, indeed, constituted by nature one of that class of accommodating politicians of whom New England, from the character of her relations, first to the mother country, and since to the general government, has produced, in the course of two centuries, a great multitude of all sizes. As Dudley and Hutchinson, and many others less able, but not less greedy of honors, office, and political activity and distinction, were led, during colonial times, to underrate and belittle the local interests, the local feelings, and what they called the local prejudices, but which seemed to others the rights and free principles of New England, in comparison with the ideas and wishes of the crown and the minister, identical in their representations with the interests and honor of the empire at large; so, since the adoption of the Federal Constitution, the alleged good of the Union, and a paraded attachment to national measures, have served, to a like class of men, as an equal excuse for a similar line of conduct, equally at war with the prevailing sentiment of their more immediate fellow-citizens, and equally favorable to their own political promotion.

It no doubt was and is, and ever must be, a delicate matter to fix the exact boundaries between metropolitan duty on the one hand, and local duty on the other. The idea of local rights and interests is very apt to be carried to extremes; and statesmen of enlarged views may, and often must be, called to oppose the prevailing local current. Nevertheless, it is seldom difficult to distinguish between those whose expanded views terminate, after all, in some prospect of personal promotion, and those on whom they are forced by candid impartiality

of spirit and habitual moderation. Tumultuous as he was in temper, and unsettled in judgment, a very stormy petrel, incapable of existing except amid the surge and foam of political strife, John Quincy Adams certainly did not belong to this latter class.

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EFFECTS OF THE EMBARGO ABROAD. CONTINUED OPPOSITION AT HOME. PRESIDENTIAL CANVASS. SECOND SESSION OF THE TENTH CONGRESS. REPEAL OF THE EMBARGO. NON-INTERCOURSE ACT. TERRITORY OF ILLINOIS. CHANGE OF POSITION OF THE FEDERAL AND DEMOCRATIC PARTIES. THE BATTURE CASE.

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THE English merchants concerned in the American trade had made loud complaints of the effects of the embargo upon their business, and against the orders in council as having produced it. Even before that measure was known in England, the rights of America as against the orders in council had been zealously defended in an able pamphlet by Alexander Baring, afterward Lord Ashburton, head of a house deeply interested in the American trade. The late ministers of the Fox-Grenville party, now in opposition, attacked the orders in both houses of Parliament, not only as inexpedient, but as unjust. Petitions from London, Liverpool, and Manchester had been presented for their repeal, upon which the petitioners had been heard by their counsel, Henry Brougham, already eminent at the bar. In spite,

March 28. however, of these attacks, the orders were confirmed by an act of Parliament, fixing, among other things, the rate of transit duties payable in England on merchandise transported in neutral vessels to enemies' ports. On several principal articles of American produce these duties amounted to a high per centage, that on cotton being eighteen cents, and that on tobacco three cents per pound.

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Bonaparte's response to the embargo came from Bayonne, where he was busy with his new project for dethroning his subservient allies, the Spanish Bourbons, to make way for one of his own family. That answer consisted in a decree directing the seizure and confiscation of all American vessels in France, or which might arrive there. To Armstrong's remonstrances, it was craftily answered that as no American vessel, since the passage of the embargo, could be lawfully abroad, those pretending to be such must either be British, or, if American, vessels which had "denationalized" themselves by a base subserviency to the British orders According to this representation, the Bayonne decree was only a piece of friendly aid to the American government in enforcing the embargo, of which measure Bonaparte more than once expressed his very decided approbation. April 17

There were, indeed, a large number of American vessels which, instead of returning home to rot at the wharves under protection of the embargo, had preferred to remain in Europe, there to carry on, under British licenses, and in submission to the orders in council, a hazardous but lucrative traffic. These vessels, though loading in England, contrived to evade the French prohibitions by documents forged to show that they had come direct from America, or from French, Spanish, or Dutch colonies. It was at the suppression of this trade that the Bayonne decree was chiefly aimed; but it embraced also, and subjected to confiscation, a considerable number of bona fide American vessels innocently in French ports. In addition to this decree of Bayonne, the Berlin and Milan decrees were enforced with new energy, in the capture by French cruisers of numerous American vessels, because they had merchandise of British origin on board, of which vessels some were

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burned at sea, lest they might be recaptured and set at liberty by the British.

1808. The British government, on the other hand, facilitated evasions of the embargo by an order to their cruisers not to seize American vessels merely for want of regular clearances, when they appeared to be on voyages permitted by the orders of council.

The American government complained alike of the conduct of both France and Britain. They denied the right of France to take upon herself the enforcement of American laws, and, under that pretense, to confiscate American property. They found equal fault with Great Britain for the countenance given by her to breaches of that same embargo which France had undertaken to enforce. But neither the bulk of the Democratic party, nor still less the ship-owners, saw things in this light. The mass of the Democrats stigmatized the carrying on a traffic with Europe in articles upon which a duty had been levied by the British as a base payment of tribute to Great Britain, a disgraceful abandonment of the rights and honor of America, which they were willing to see punished and stopped by Bonaparte or any body else, even at the risk of the confiscation of some innocent American property. On the other hand, the comparative indulgence of the British, their willingness still to allow to American vessels a certain margin of profitable employment, contrasted very favorably in the minds of the ship-owners with the totally anti-commercial system of France. Forgetting their late pretensions to a neutral trade perfectly unshackled, and the loud outcry they had raised against British invasions of it, they were now ready, with characteristic commercial prudence, to accept as much as the views of British ministers and merchants still left within their reach. A

trade still very profitable, however shackled and curtailed, they regarded as decidedly preferable to no trade at all. In fact, by the calculations of eminent merchants, fully confirmed by subsequent experience, the trade still allowed under the British orders, while far more profitable, was also quite as extensive as there could be any reasonable expectation of enjoying after the restoration of a general peace. 1808.

The merchants and ship-owners had, however, but a limited influence over public opinion. Their vast profits, of late years, had made them objects of envy. Though their accumulations were but an index of the enrichment of the nation, there were multitudes who more or less openly rejoiced in their present distress. Unfortunately, too, they were divided among themselves. Some even of the wealthiest of their number were among those who applauded the embargo; of which conduct this not very charitable explanation was given: that it would enable those who were able to wait for the renewal of trade to buy up, at a great discount the ships and produce of their poorer neighbors.

Alarmed at the growing uneasiness which the embargo occasioned, Jefferson and Madison, instead of waiting for propositions from the other side, had dispatched instructions to Armstrong at Paris, and to Pinkney at London, authorizing offers of repeal, as to France and Britain respectively, on certain conditions. The precise offer made to France does not appear. It would seem, however, to have been that of a declaration of war against Great Britain, if Bonaparte would repeal his decrees, and Great Britain did not also repeal her orders. War against Great Britain on the part of America would, no doubt, have been highly agreeable to Bonaparte; but would Britain take the risk of that by persisting in her April 30.

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orders after the repeal of the French decree, on which alone they professed to be founded? Next to an American war against Great Britain, which was hardly to be brought about by the repeal of the French decrees, the continuance of the embargo was precisely what Bonaparte most desired. Should American ships be totally withdrawn from the ocean, and American ports continue shut to the egress of produce, there was an end to the large contributions hitherto made by the United States to the commercial greatness of Great Britain.

The cutting off of the intercourse between France and her colonies, carried on for several years past almost exclusively by American vessels, was much relied upon by the advocates of the embargo as a means of operating on France. But as it plainly appeared that all these colonies must very soon fall into the hands of the British, it was a marked feature of Bonaparte's Continental system to teach Europe to forego the use of colonial produce, or to supply the place of it by domestic productions.

Meanwhile, the course of events was such as greatly to diminish the chance of any favorable answer on the part of Great Britain. The final going into effect of the act of 1806, prohibiting the importation of certain specified British manufactures, had decidedly lessened her

June. interest in a repeal of the embargo. The revolt of the Spaniards against the attempt of Bonaparte to impose upon them a king of his own family, not only opened the Spanish peninsula to British merchandise, but, as the colonies universally adhered to the cause of the old royal family, a commercial intercourse began, for the first time, between Spanish America and Great Britain. The migration of the royal family of Portugal to the Brazils, had also given to British merchants access to

those extensive regions; and this opening of so many new ports afforded an unlooked-for compensation for the stoppage of the North American trade; the more so, as the embargo cut off the vessels and merchants of the United States from any participation in this new American commerce.

The revolt of the Spaniards not only set loose a considerable number of American vessels, detained in Spanish ports under the Bayonne decree, but it was presently followed by a repeal of the British orders in council, so far as Spain was concerned. As soon as news arrived of this Spanish revolt, a Boston town meeting, specially called, memorialized the president to suspend the embargo, at least as to Spain and Portugal; or, if his powers did not extend so far, to call Congress together for that purpose. The example of Boston was followed by many other towns. In Salem, then almost the rival of Boston in maritime trade, resolutions condemning the embargo were defeated by the influence of William Gray, said to be the largest ship-owner in the world, one of those who had followed the example of John Quincy Adams in supporting the policy of the government. The Boston Republicans also sent to the president a counter-memorial; but the extreme dissatisfaction of Massachusetts was too evident to be denied.

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In a soothing reply to the Boston memorial, the president distinctly stated the grounds on which he had chosen finally to rest the justification of the embargo. "To have submitted our rightful commerce to prohibitions and tributary exactions from others would have been to surrender our independence. To resist them by arms was war, without consulting the state of things or the choice of the nation. The alternative preferred by the Legislature of suspending a commerce placed un-

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der such unexampled difficulties, besides saving to our citizens their property, and our mariners to their country, has the peculiar advantage of giving time to the belligerent nations to revise a conduct as contrary to their interests as it is to our rights." "In Spain," he added, "a contest for the government appears to have arisen, but of its course or prospects we have no information on which prudence would undertake a hasty change in our policy."

The news of the uprising of the Spaniards against Bonaparte, applauded by the Federalists as a generous struggle for national existence, was very coldly received by the Republicans. The Aurora excused itself from any particular sympathy for the Spaniards on the ground that their struggle was merely for a choice of tyrants. The troublesome Yrujo, who had been such an eyesore to the administration, having been lately transferred to the Brazils, there was at that moment no Spanish minister in the United States. Don Onis presently arrived on behalf of the insurgent supporters of the old royal family; but Jefferson declined to receive or accredit him. Pinkney, also, in London, had adopted a similar policy in declining to attend a great banquet got up there in honor of the Spanish revolution, a slight which the company retaliated by a very ill reception of "The President and the United States of America," one of a series of regular toasts in which the few nations then at peace with England were successively complimented.

Pinkney had been authorized to propose to the British government a repeal of the embargo as to Great Britain on condition of the recall of her orders in council. Not wishing to hazard a refusal, he first sounded Canning, now the British secretary for foreign affairs, who gradually led him on to make the offer in form. Canning's

reply, if not very ingenuous or candid, qualities not much looked for in such performances, in point of cutting sarcasm was quite unsurpassed.

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Looking at the embargo in the point of view in which Pinkney presented it, as a retaliation for aggressions upon neutral rights, the British government, so Canning stated, could not see in it that impartiality on which Pinkney had insisted. Since France had been the original aggressor, retaliation ought, in the first instance, to have been directed against her alone; nor could Britain consent to buy off a hostile procedure, of which she ought never to have been the object, at the expense of a concession, made, not to the United States, upon whom the operation of the British orders in council was merely incidental, but to France, against which country, in a spirit of just retaliation, they had been originally aimed.

If the embargo, on the other hand, was to be considered, as the American government had more generally represented, merely as an innocent municipal regulation, the British government had no pretensions to make any complaint of it in that character, nor had they done so. Supposing such to be its real character, what connection, indeed, could there be between its repeal and the surrender by Great Britain of her right of retaliation as against her enemies?

The Berlin decree had been the commencement of an attempt to overthrow the political power of Great Britain by destroying her commerce. Almost all Europe had been induced or compelled to join in that attempt; and the American embargo, though it certainly was not intended for that purpose (for what interest could the United States have in the subversion of British power?) yet, by some unfortunate concurrence of circumstances,

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did, in fact, come in aid of the Continental system precisely at the very moment when, if that system could have succeeded at all, such an interposition by the American government would most effectually have aided it. To retaliate the French Continental system, the orders in council had been issued. Although that attempt at the ruin of Great Britain was now very little likely to succeed, yet it was important to her reputation not to show the least sign of yielding while the slightest doubt existed of its unequivocal failure, or the smallest link in the confederacy against her remained undissolved.

Canning positively denied any sentiment of hostility on the part of the British government toward the United States, or envy of their prosperity. He even went so far as to profess the extreme anxiety of himself and his colleagues to do any thing in their power short of seeming to deprecate the embargo as a measure of hostility, to facilitate the removal of a restriction so very inconvenient to the American people. The present experiment, he hoped, might serve to teach that Great Britain was not so absolutely dependent on the trade of America as to be obliged to court a commercial intercourse.

A copy of this aggravating letter, which he had been entrapped by Canning into affording an occasion for, was all that the disconcerted Pinkney had to send to his principals at Washington. He added his own advice, evident fruit of passion and mortification, to persevere in the embargo, and to join to it a total non-intercourse, with confident predictions of thus bringing Great Britain to terms. From Armstrong, at Paris, the information received was still less consoling, but the advice was much wiser. No answer at all seems to have been made to his propositions as to the repeal of the embargo. "We

have somewhat overrated our means of coercion," so he wrote in reference to that measure. "Here it is not felt; and in England, amid the more recent and interesting events of the day, it is forgotten. I hope, unless France shall do us justice, we shall raise the embargo, and make in its stead the experiment of an armed commerce. Should she adhere to her wicked and foolish measures, there is much more besides that we can do; and we ought not to omit doing all we can, because it is believed here that we can not do much, and even that we shall not do what little we can."

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While in its effects abroad the embargo thus greatly disappointed the hopes of its projectors, day by day, it encountered at home still more of secret evasion or open resistance. It even became necessary to send detachments of the newly-raised troops to check the increasing export trade down Lake Champlain—a convenient outlet for the produce of Western New England and Northern New York. Some bloody encounters took place in that quarter, leading to indictments for murder and treason. The treason cases came to nothing. Judge Livingston held that no resistance to law, however extensive, violent, or bloody, could ever amount to treason, where not the overthrow of the government, but mere private advantage, was the object. The doctrine of the unconstitutionality of the embargo was set up in Massachusetts, and maintained by Dexter and other eminent lawyers at the bar of the District Court as a legal defense to prosecutions for its violation. The point was overruled by the District judge; but it was found exceedingly difficult, even in cases where the evidence seemed to be clear, to obtain verdicts of guilty from the juries.

The contest for the presidency between the three rival Republican candidates, Madison, Monroe, and George

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Clinton, proceeded meanwhile, not without bitterness. Threats were thrown out of substituting in place of Clinton, if he continued to compete for the presidency, some other candidate for the vice-presidency; but this was judged too hazardous to be attempted. Some overtures appear to have been made, and a meeting to have been held at New York for the purpose of transferring the Federal vote to Clinton; but this arrangement failed, and the Federalists fell back on their old candidates, Charles C. Pinckney and Rufus King. The Virginia Federalists, too few to have any hope for a ticket of their own, resolved to vote for the Monroe electors, on the special ground that Madison was so identified with the existing system of foreign policy, that with him for president, no change could rationally be expected; but the Madison ticket was chosen over this combined opposition by a very large majority. A like result took place in Pennsylvania, where an understanding was entered into between the Conventional and Constitutional sections of the Republican party, by which the Constitutional presidential ticket was withdrawn. In the state election, Snyder triumphed by 23,000 majority, most of the late Democratic friends of M'Kean coming in to his support. In Vermont, the Federalist Tichenor was re-elected governor; but the Republicans succeeded in retaining a small majority in the Legislature, which enabled them to choose a United States senator and presidential electors. After some failures to choose, the final result gave three Federal members of Congress to one Republican. In Rhode Island and New Hampshire, like evidence of change appeared in the choice by the popular vote of Federal electors. Federal electors were also chosen by the Legislatures of Connecticut and Massachusetts, in which latter state there was a Federal con-

gressional gain of five members. Delaware was still every way Federal. In Maryland and North Carolina, where the choice of electors by Districts was yet persevered in, five Federalists were chosen, making in all forty-seven Federal electors—a much larger number than had been counted on when the canvass commenced. Those of New York, chosen by the Legislature, by a compromise between the Clintonians and the Lewisites, were distributed, six to Clinton and the remaining thirteen to Madison, who thus received one hundred and twenty-two of the one hundred and seventy-six electoral votes. For the vice-presidency Clinton received one hundred and thirteen votes, Vermont and Ohio voting for Langdon, while the six New York votes given to Clinton for the presidency deprived him of as many vice-presidential votes, divided between Madison and Monroe. In Maryland, the state and congressional elections were contested with great vehemence. The Federalists gained two or three members of Congress, and secured a majority in the Lower House of Assembly; but in the city of Baltimore the Republicans triumphed —a victory which they celebrated by transporting the successful candidates through the city in a boat mounted on wheels and drawn by horses, and by a bonfire on Gallows' Hill of six pipes of gin, furnished by Smith, and on which, as was alleged, the detestable English tribute had been paid, thus making it fitter to burn than to drink. Not content with this, they seized a poor English shoemaker, accused of speeches disloyal toward America, whom they tarred and feathered, and carted through the city. The principal perpetrators were tried, and on their own boastful confessions were found guilty and sentenced to imprisonment; but they were soon pardoned and set at liberty, with a distinct eulogium on

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their patriotism, by Robert Wright, the Democratic governor, who had succeeded in 1805 to Robert Bowie, of the same politics.

Nov. 7. Before the result of the presidential election was fully known, the tenth Congress had again met. The president was obliged to confess the total failure of the embargo thus far to produce any effect on the belligerents. He lauded it, however, as having secured our mariners and our vast commercial property; as a demonstration to foreign nations of the moderation and firmness of the American government; and as having prevented "those usurpations and spoliations which, if resisted, involved war, and if submitted to, sacrificed a vital principle of our national independence." What should now be done, he referred, in his usual phraseology, to "the wisdom of Congress"—a wisdom which, during his administration, never failed of a fatherly guidance on his part, more or less open.

Chittenden, of Vermont, brought forward in the House, at the earliest possible moment, a resolution that the embargo acts ought to be repealed, and after some little opposition, this resolution was made the order for an early day. Eppes, Jefferson's son-in-law, objected to the abandonment of the embargo, unless some substitute were adopted; and in a series of resolutions, which were referred to the same Committee of the Whole, he proposed as that substitute a total mercantile non-intercourse with France and Great Britain. Several other resolutions were offered and referred: one, for opening the trade with the West Indies; another, by Macon, to continue the embargo, and to make it more stringent; also to exclude all British and French merchandise, and French and British vessels, armed or unarmed. Debate, however, was staved off to wait the report of the Com-

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mittee on Foreign Relations, of which Campbell was chairman, and to which had been referred that part of the president's message relating to the embargo.

That report, drawn up, as was supposed, by the combined talent of the president and his official advisers—though Madison's hand is chiefly to be seen in it—was received as a semi-official presentation of the views and the case of the administration. It began by denying that the United States had so far acquiesced in the aggressions of either belligerent as to afford any pretense to the other for retaliating upon them, even admitting, what was by no means conceded, that submission to the aggressions of one belligerent could justify aggressions by the other. The Berlin decree (so far as related to its enforcement against American property), and the British orders in council of November, 1807, were represented as cotemporaneous aggressions, equally unprovoked and equally indefensible, and such as would have justified immediate hostilities against both nations. So far as respected the future, the committee could see no choice except a continuance and enforcement of the present suspension of commerce; abject and degrading submission; or war with both nations. War with one of the belligerents only would be submission to the will and edicts of the other. A general repeal of the embargo, without arming, would be submission to both. A general repeal, with arming of our merchant vessels, as had been proposed, would be a war of the worst kind, exposing us to be plundered without the opportunity to retaliate. A partial repeal would, in the existing situation of Europe, be, in fact, submission to Great Britain and war with France. To open our ports at all would inevitably lead to an indirect trade with Great Britain, while she would have the means of preventing any trade

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with France except upon her own terms. Such an exclusive trade with one of the belligerents would, according to the report, be war with the other.

A permanent suspension of commerce would be, the committee conceded, submission of the most degrading kind—"a withdrawal from the contest, and abandoning our indisputable right to navigate the ocean." But a temporary suspension, in hopes of inducing the belligerents to cease their injustice, was, so the committee argued, resistance, and, as such, they recommended persistence in it. After all, the real means of resistance was war; but if war were made at all, we must make it, at one and the same time, against the two most powerful nations on the globe, which necessity constituted the principal reason for not resorting to it at once. Thus were the two bugbears, of abject submission on the one side, and, on the other, war, at the same time, with both France and Great Britain, theatrically brought in, from opposite directions, to frighten Congress and the people into acquiescence in the embargo.

Whatever might be the merits of this report on the score of rhetoric and ingenuity, its pretensions to practical good sense were exceedingly small. Could any thing be more likely to stimulate to a foolish course of conduct than to stigmatize as mean, abject, and degrading the temporary submission to a superior force so overwhelming that nobody in reason could advise resistance to it? To yield to invincible necessity, to wait patiently for the day of one's strength, may be disagreeable, but is not mean nor degrading. Since the United States had no present ability—partly through the hostility of the administration and its partisans to a naval establishment—to protect their commerce from encroachment, was it better to abandon trade altogether (which must be the re-

sult whether of embargo or of war), or to continue to secure such a profitable share of it as circumstances would still allow, protesting all the while against the encroachments of the belligerents, and waiting for the first favorable opportunity to shake them off, or to retaliate with effect?

Equally unfounded was the assumption that a forcible resistance to the objectionable decrees and orders must lead to war with both belligerents at once. The arming and associating, by public authority, of the merchant vessels of the United States for such resistance, would have imposed, at least upon Great Britain, the absolute necessity of repealing her orders so far as the United States were concerned, by taking away the very basis on which they ostensibly rested. Apart from this, what was there to prevent the United States from choosing from two nations equally obnoxious that enemy with whom she could contend with the least danger and the greatest advantage, reserving to some more favorable season the settlement of accounts with the other? These, however, were considerations which pointed to co-operation with Great Britain and hostilities with France—things utterly abhorrent to Jefferson and to the great bulk of the Democratic party.

On the very day that Campbell's report was made to the House, a debate was commenced in the Senate on a resolution offered by Hillhouse for repealing the embargo. This repeal was urged with great earnestness by Hillhouse himself, who made three speeches in the course of the debate; by Lloyd, the new senator from Massachusetts, by his colleague Pickering, both of whom spoke twice, and by White, of Delaware. The embargo was defended by Smith, of Maryland; by Moore and Giles, the two Virginia senators; by Dr. Mitchill, of New York; by Pope, of Kentucky; by Anderson, of Tennes-

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see; and by Crawford, of Georgia, who had seen the necessity of party conformity. After a ten days' debate, the resolution was voted down, twenty-five to six. Bayard, one of the Federal senators, was absent; but his place was supplied by Gilman, of New Hampshire, who

Dec. 2. conformed to the late change in that state by voting with the Federalists.

Nov. 28. The discussion in the House began a week later, led off by Campbell, who added nothing to the arguments contained in his report. Mumford, of the city of New York, who followed, though willing to agree to non-intercourse with the belligerents who were trampling on our rights, could see no good reason for cutting ourselves off from all the rest of the world. He instanced, especially, the Spanish colonies, as opening a new and wide field to commercial enterprise.

Quincy, who took the lead for the Federalists, characterized as "mere madness" the idea which gentlemen seemed to entertain that they could enforce the embargo for an indefinite period—three years, a year, half a year longer. "Commerce was the chosen pursuit of New England. Her inhabitants had submitted with extreme reluctance to its temporary suspension; to its continued indefinite suspension they never would submit. It would be as reasonable to undertake to stop the rivers from running into the sea, as to keep the people of New England from the ocean. They did not believe in the constitutionality of any such law. He might be told that the courts had already settled that question. But it was one thing to decide a question before a court of law, and another to decide it before the people. He did not threaten insurrection, but there stood in the way of the enforcement of this law obstacles not to be overcome. Where there is nothing but your law to stand between a man and bankruptcy, on the one hand, and rapid fortune on

the other, the temptation was too powerful to be withstood. It was all very well to talk about the patriotism and quiet submission of the people in the interior. They could not help submitting. They had no opportunity to break the embargo. But those whose ships lay on the edge of the ocean, loaded with produce, with the alternative before them of total ruin or a rich market, were in a very different situation. It was not sufficient to denounce such violators of the embargo; they could not, for any length of time, be identified with common smugglers."

The debate, thus warmly began, vehement and excited, desultory, confused, and full of repetitions, was kept up for eighteen days. The following passages from the speech of Troup, a young and new member from Georgia, afterward conspicuous in the politics of that state, and not always distinguished for obedience to Federal authority, will serve to show, in a lively manner, the views of a large part of the Southern and Western members. "I know this measure of embargo has been loudly condemned, but only by men who propose to reseat themselves in power by an appeal to the feelings and interests of the community. In one part of the country this appeal has been made with effect. The avaricious have been corrupted; the ignorant have been duped. In all countries there are the avaricious and the ignorant, and their passions have been wielded with success by the anti-embargo men. The people have been led to believe that a great commerce might be carried on in spite of the orders and decrees, when, in fact, no commerce could be carried on without compromiting the honor of the nation. They have been led to believe that commerce could be carried on in peace, when, in fact, no commerce could be carried on without tending directly to war. The em-

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bargo is said to aim a deadly blow at commerce, when its great object is, in fact, to protect it.

1808. "It is by such misrepresentations that the noisy enemies of the embargo out of doors have been deluding and corrupting the people, and is it to such men that we are to turn a respectful and deferential ear? The merest Shylocks! Men who cry out, Away with your honor, your independence, your neutrality! all stuff! Give us gold. British merchants, British agents, and malcontent Américans; the depraved of the cities, the ignorant of the country; men who are ready to sacrifice the honor and independence of the nation for a little trade in cod-fish and potash.

"If we are thus degenerated, if we are thus fallen in thirty short years, it is high time to abandon your republican system of government. Will posterity believe that this very people, who, thirty years ago, unanimously offered up their lives and fortunes for the acquisition of independence, are now prepared to sacrifice that very independence to their avarice? Will posterity believe that this same people forgot, in one short year, the affair of the Chesapeake, and were ready to shake hands with the murderers and robbers of their countrymen? For myself, I will not assent to such a base barter of honor for gold. If it has come to this—if we can not, for a year or two, endure the privations incident to a measure of embargo—if, notwithstanding the most imperious calls of honor and duty, we can not exist without the luxuries of life, we are unworthy of the blessings we enjoy; we have lost our virtue, and are ripe for the dynasty of the Bonapartes, or some other; and whether you are conquered by France into miserable servitude, or corrupted to sell your country to England, is not worth a moment's reflection. This accursed avarice will ruin you!

"We have done every thing for commerce. We have negotiated for it; we have jeoparded the peace of the country for it; we have passed an embargo to protect it —and commerce is now the first to abandon us!

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"Suppose the embargo raised—none would trade but men of bankrupt character and desperate fortunes. Permission to arm is tantamount to a declaration of war. And do you think we are ready to plunge headlong into a ruinous war, naked and unarmed, to gratify a few bankrupt commercial speculators? The embargo would already have had its effect as a measure of retaliation but for the anti-embargo men of Massachusetts. Let them co-operate to make it effectual, and they will soon find that all the great commercial politicians, from Anderson downward, have not been mistaken in their opinion that this country can vitally affect by an embargo system the colonial and manufacturing interests of England."

To Troup's charge—brought forward also by Giles in the Senate—that the excitement in New England against the embargo was merely the work of demagogues anxious to reinstate themselves in power, Pickering made the following reply: "Of all the citizens of the United States, none stand more aloof from, none more detest the character of demagogues, than those to whom the gentleman referred. I know well the men who reprobate the embargo—who in conversation and in newspapers express their sentiments about it, or who patronize those who do. They are not seeking for office. Many of them could not be persuaded to accept the best office in the president's gift. They seek to save their country from the effect of measures, in their view alike ruinous and disgraceful. They are men whose age, whose experience, whose knowledge, whose wisdom, and whose vir-

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tue place them in the first rank of citizens. Among them was the immortal Ames, than whom a purer spirit never left the earth. He wrote while he had strength to hold a pen; he died on the late anniversary morning of the nation's birth-day, with the prayer on his lips, God save my country!"

The pretense of the necessity of the embargo to protect ships and seamen from inevitable capture was abundantly refuted, among other things, by the safe return, with valuable cargoes, of a very large proportion of some six hundred ships, suffered to sail in ballast under special licenses from the president. The insurance offices were willing, for a premium of less than five per cent., to assume the entire risk of the capture of American vessels under the French decrees, so long as they kept out of French ports. Indeed, in the course of the debate, with the view of concentrating indignation upon the British orders, it was freely admitted that the French decrees, so far as related to the blockade of the British islands, were but mere empty threats. There remained then open to American ships, at no risk not to be guarded against at what was then considered a moderate premium, the whole trade with Great Britain, the East and West Indies, and the newly-opened ports of Brazil and Spanish America, the natural outlets for at least four fifths of the exports of the United States; a commerce untainted by any payment of tribute, so loudly exclaimed against; as extensive, probably, and certainly quite as lucrative, as any the country could hope to enjoy after the restoration of a general peace. The absurdity of undertaking to protect commerce by an embargo was fully exposed. Of what value was produce stored up to perish for want of a market? Ships might as well be captured as to rot at the wharves. The merchants, not the

government, were the proper judges of the risk, and their light estimate of it was evinced by the fact that, in the hope and expectation of a speedy repeal, or of some opportunity to evade the embargo, hundreds of vessels lay loaded in the harbors, with their sails bent, riding at single anchor, ready to put to sea at a moment's notice. Already, as was calculated, the suspension of exports had imposed a loss of thirty millions of dollars, principally on the maritime interest. As a means of diplomatic coercion, its failure had been complete. It was not to be expected that such ruinous sacrifices would be much longer patiently submitted to.

Nor did the origin of the measure pass without criticism. Pickering, Quincy, and others, ascribed it anew to French influence operating on the executive, and, through the executive, on Congress. According to them, its aim was to co-operate with Bonaparte in breaking down British commerce; a charge which Eppes, Jefferson's son-in-law, seemed rather to confirm than to answer, by vehemently denouncing, as Tories and traitors, Pickering and every body else who could see any sort of excuse or apology for any part of the recent conduct of Great Britain.

In the course of the debate, Randolph delivered two or three of his most effective speeches, full of bitter and cutting sarcasm. Lyon and Sloan, perhaps the two members on the floor the best entitled, all things considered, to the designation of Democrats, late bitter opponents of Randolph as well as of the Federalists, now also appeared combating effectively on the same side. But on this, as on so many other occasions, party pride and party discipline were far more efficacious than argument or ridicule. A report of the Committee of the Whole was forced by a night session. In the House a

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vote was obtained (the previous question not being then in use) by sitting all Saturday night, and trespassing, indeed, considerably upon the Sunday; and under this pressure, the resolutions of the Committee of Foreign Relations were carried, 84 to 80—a majority stronger than that which had passed the original Embargo Act.

The first of these resolutions declared that the United States could not, without a sacrifice of their rights, honor, and independence, submit to the late edicts of France and Great Britain. The second recommended to place the country in a state of defense. The third proposed to add to the embargo the total exclusion from the United States of the products and the vessels, whether public or private, of the aggressing nations and their dependencies.

The necessary effect of the embargo on the financial resources of the government had been looked forward to as one means of forcing its repeal. But as yet that effect was not seriously felt. Importations having been still allowed, with the view of getting home American property abroad, a revenue from that source had continued to be realized. The large surplus of seventeen millions on hand when the embargo was enacted, more than a year's entire expenses, had no doubt encouraged to so bold a step; and according to Gallatin's financial report, the new year would commence with money and bonds on hand to the still large amount of sixteen millions. This, however, must constitute the sole fund to meet the expenses of the year—according to the present rate, thirteen millions, including eight millions for the interest and reimbursement of the public debt; and should the proposal for putting the country in a state of defense be carried into execution, this whole surplus might be absorbed. No considerable additional income could be expected from commerce so long as the embargo remained

in force, especially if the proposed non-importation from France and Great Britain were added to it; but if thoughts of war and preparation for it were given up, a loan of five millions might suffice to carry the nation through still a second year, paying the current expenses and the interest, but omitting any reimbursement of the public debt.

By way of reply to the complaints of the Federalists that the country was threatened with direct taxation at a time when the sources of its wealth were rapidly drying up, Gallatin reproduced a flattering but most delusive suggestion contained in his annual report of the preceding year. Since the geographical situation and settled policy of the United States made it quite improbable that they would be involved in frequent wars, it might be expected, so he argued, that a revenue derived solely from duties on imports, even though liable to diminution during war, would yet amply suffice to pay off, during long intervals of peace, the expenses of such wars as might be undertaken. Should the United States become involved in war both with France and Britain, no internal taxes would be necessary to carry it on, nor any other financial expedient beyond borrowing money and doubling the duties on imports. In broaching this scheme of finance, Gallatin seems quite to have forgotten that what capitalists look to is not so much the probable ability of the borrower to refund the principal at the expiration of some long and indefinite period, as the means at his command for meeting the interest from year to year, and especially for the years immediately at hand; a thing which no individual and no nation can do without some fixed revenue independent of loans. The bitter fruits of this deceptive scheme of financial policy, not very creditable to one who claimed to compete as a

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financier with Alexander Hamilton, will hereafter most abundantly appear.

1808. To the support so decidedly given to the embargo by both houses of Congress, were added resolutions in its favor from the Legislatures of Georgia, the Carolinas, Virginia, Kentucky, Ohio, and Pennsylvania. Governor M'Kean, in handing over the state administration to his successor, had been very emphatic in his approval of it. Like resolutions came even from New Hampshire, where, however, the result of the late election had served to show that the Democratic Legislature no longer spoke the sense of the state.

The policy of the administration thus sustained, nothing seemed to remain except to provide for its more thorough enforcement. All the former supplements to the embargo had proved insufficient. The fall of snow having facilitated the land communication with Canada, a vast transportation of all sorts of produce was going on across the frontier. In the seaports, also, as the bareness of foreign markets increased the temptation, the embargo was, day by day, more artfully evaded or more openly defied. Such evasions and defiances, as appeared from a return laid before Congress, were occurring in every collection district of any importance.

The House had already passed a bill authorizing the employment of twelve additional revenue cutters; and the Senate had passed another to fit out for service all the ships of war and gun-boats. But the first measure in which both houses concurred was an act "more effectually to enforce the embargo," drawn by Giles in accordance with Gallatin's suggestions in a report on evasions of the law, and, after some very sharp debates, forced through the House in a midnight session.

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Under this new Enforcing Act, as it was called, the

loading upon any vessel, boat, or vehicle of any kind, of any goods or specie, with intent to transport them out of the United States, or to put them on board any foreign vessel, or to evade the embargo in any way, was to work a forfeiture of the ship, boat, or vehicle, and contents, besides subjecting the parties concerned to a fine of four times the value, one half to the informer. Collectors were authorized and required to seize all goods so laden, and "apparently on their way" to the territory of any foreign power, and to detain them till bonds were given for their delivery in some part of the United States not adjacent to any foreign territory. No boat or vessel of any sort was to be laden with any kind of goods except under the actual inspection of a revenue officer, and by virtue of a permit first obtained from the collector of the port, specifying every article of the cargo; nor unless a bond had first been given in six times the value of the vessel and cargo, that the vessel should not leave without a clearance, nor proceed to a foreign port, but should reland her cargo within the United States. Even though all these preliminaries had been complied with, collectors might still refuse permission to load whenever they suspected an intention to violate the embargo, or whenever instructed to do so by the president—a provision inserted to guard against such decisions as that of Johnson in the case of the rice vessels. Similar bonds were also required from all vessels loaded and fitted for sea previous to the passage of this act, non-compliance within ten days to work a forfeiture; the collectors to take possession in the mean time, and, even after bonds had been given, to require, on suspicion of an intention to violate the embargo, a discharge of the cargoes. In this business, and also in granting or refusing permission to take cargoes on board, the collectors were to act under such instructions as the president might give from time to time, which

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instructions were to serve as their complete justification. To aid in the enforcement of this and the other embargo acts, the president was authorized to employ the land and naval forces and the militia, and also to hire and arm for that purpose thirty additional cruisers—a business in which the Democratic fishermen of Marblehead were anxious to find employment for their now useless fishing craft.

In the exercise of the despotic powers over trade, both internal and external, conferred by this act—the most arbitrary piece of legislation which our national history exhibits—Jefferson forthwith addressed a circular to the governors of the several states, calling upon them to detach portions of militia for the special purpose of enforcing the embargo, and to assign to each collector some militia officer on whom he might call at any time for military assistance.

The very character of this act became a new argument with the opponents of the embargo against a measure, the impolicy of which was made more glaring by the sort of means found necessary to enforce it. Whatever the subject of debate might be, the embargo question was sure to come up. The Southern members expressed their astonishment at the violence of New England, which they contrasted with the quiet and patriotic submission of the Middle and Southern States. But, except in a few scattered sea-port towns, where the opposition, if not so bold and active as in New England, was not less hearty and sincere, the effects of that measure were as yet felt throughout the Southern and Middle States only in a fall in the price of produce and a rise in the cost of imported articles; both, as yet, a good deal limited, from the uncertainty how long the embargo would continue. Fluctuation of prices was no new thing, and who could say that an equal effect might not

have been produced by the decrees and orders alone, even though no embargo had been laid? This line of argument was much resorted to by all the zealous embargo politicians. New demands for labor had even sprung up, by the establishment of various manufactures for the supply of domestic wants; the farmers continued to sow and to reap in hopes of better times; while the planters stored their cotton and tobacco, and supposed themselves to have lost nothing. They suffered, as yet, only some little curtailment of imported luxuries, and that not for want of supply—for importations from abroad had continued to go on—but rather from diminution of their means of purchase.

Very different was the state of things in the maritime and most populous section of New England. In a single moment, without warning or indemnity, multitudes had been cut off from their accustomed occupations and ordinary means of livelihood, reduced to a forced and helpless idleness more painful even than the loss of income—an infliction as useless and unavailing to the country as it had proved cruel in its operation upon the individual sufferers. To consider themselves as martyrs for the common good might have inspired a spirit of endurance; but it did not seem to be the part of patriotism quietly to submit to idleness and starvation at the pleasure of experimental politicians, whose judgment they despised, and of the rectitude of whose intentions they were by no means confident, since the suspicion prevailed very widely that the administration were acting in this matter as the mere tools of France. The intrepid seamen, the adventurous and sagacious merchants, whose enterprise, in the course of fifteen years, had carried the flag of the United States to every corner of the globe; the men, who, notwithstanding constant belligerent interrup-

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tions and depredations, had raised their country to be the second commercial nation in the world, with a prospect of soon becoming the first—as they paced with melancholy steps the late busy streets, in which grass was beginning to grow, and saw their good ships, made to traverse the ocean, gloomily rotting at the wharves, cursed with vehement and bitter emphasis the stubborn folly of a pusillanimous government, which refused to the merchant and the sailor even the poor boon of taking their own risks and defending themselves; at the same time pompously pretending that this timid if not treacherous abandonment of the ocean was a dignified maintenance of maritime rights!

As if the spirit of '76 had consisted only in implacable hatred of Great Britain, and intense sensibility to British insolence or extortion, the supporters of the embargo had anxiously evoked its reappearance in New England. That invocation was not in vain. But the spirit of '76 was understood in New England to mean opposition to tyranny and oppression, under whatever disguise, and from whatever quarter. As a temporary expedient, however unwise and disastrous, the embargo, though much evaded, had been generally submitted to. As a permanent policy, and that was the character now placed upon it, it was utterly intolerable. The British orders in council, though felt as oppressive, seemed generous in comparison. They still left open an ample field for maritime enterprise and industry; while, by the new enforcing act, even the small remnant of domestic and inland traffic seemed threatened with total destruction. Not a boat could be loaded except under inspection of a revenue officer, according to a manifest previously furnished, heavy bonds having been given, and under a collectors's permit, which he might grant or refuse, according

to his good judgment—in fact, his fancy, partiality, or caprice. Not a baggage-wagon but might be seized on the charge of any informer, tempted by the prospect of half the goods, besides a fine of four times their value, to be levied on the owner, and shared between the informer and the government. What room for favoritism, corruption, and infinite abuses, ten times worse than those of the flour orders!

The Constitution gave to Congress the power to regulate foreign trade, and that, also, between the states, and to lay embargoes; but the constitutional questions had, as we have seen, already been raised, whether a power to regulate included also a power to destroy, and whether the word embargo did not imply a temporary and limited, not an indefinite suspension of commerce. The new Enforcing Act raised another question still. That act included under its restrictions even the trade from town to town within the same state. Where was the constitutional warrant for that? How would it be possible, under such embarrassing regulations, to carry on even the pettiest internal traffic?

Already, before the passage of the Enforcing Act, public meetings began to be held in the mercantile towns of New England, to protest against it. Similar meetings were also held in Albany and the city of New York. The leading Federal newspapers in Boston announced its passage with mourning columns, and with the motto, "Liberty is dead!" General Lincoln, the collector, now very old and infirm, resigned his office, as did also the deputy collector, rather than undertake to enforce an act so unpopular. Other custom-house officers at other ports followed their example. The merchants, totally denying the constitutionality of the act, gave fair warning that, for every seizure of their property under it, they should

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commence suits in the state courts; a procedure, as it might be no easy matter for the officers to procure bail, likely to end in their committal to prison.

Jan. 24. A Boston town-meeting, regularly called, after a warm struggle between the opposers of the embargo and the friends of the administration, in which the latter were completely beaten, agreed upon a strong memorial to the Legislature about to meet, denouncing the Enforcing Act as arbitrary and unconstitutional. This meeting resolved "not voluntarily to assist in carrying it into execution; and that all who should do so ought to be considered as enemies of the Constitution of the United States, enemies of the State of Massachusetts, and hostile to the liberties of the people."

Governor Sullivan having died a few weeks before, the executive administration had devolved on Lieutenant-governor Lincoln, late attorney general of the United States, and always a devoted partisan of Jefferson's. He stated, in his opening speech to the General Court, that New England had been represented on the floor of Congress—he hoped altogether without reason—as "distracted with divisions, prepared for opposition to the authority of the law, and ripening for a secession from the Union." Dwelling with an unction worthy of Hutchinson, though more mild and deprecatory in his tone, as he was less able in his argumentation, upon the duty of obedience to law, the miseries of anarchy, and the necessity for harmonious co-operation at the present crisis, he demanded of the Legislature to calm down the existing excitement. While under debate, measures were fit subjects for discussion; once adopted, they must be submitted to, or the government would be overturned and the people ruined. He delicately censured the late public meetings; intimated an opinion, as Sullivan had done

before him, that some further legal restraints on the licentiousness of the press might be desirable; and invited a rally of public opinion in support of a national administration which had nothing to dread but the falsehoods and misrepresentations of its enemies. 1809.

The House having listened to this speech, took up the report of a committee appointed at a former session, of which Gore was chairman. Jan. 28. It was denied, in this report, that the conduct of Great Britain towards neutrals afforded any grounds for the Berlin decree, which was, in fact, but the revival of a like decree issued by the French Directory in 1798. President Adams had pronounced that decree an unequivocal act of war. It had been retaliated by the renunciation of the French treaties; by a prohibition of commercial intercourse with France; and by the fitting out of a fleet for the protection of American commerce. Had the Berlin decree been met in the same way, the English orders would never have been issued, nor would commerce have encountered its present embarrassments. "If, then," the report continued, "these evils might have been avoided by imitating the example of 1798, may they not yet be removed by retracing the erroneous steps which have been taken, and by adopting now those measures which proved so efficacious then? Let Congress repeal the embargo, annul the convention with France, forbid all commercial intercourse with the French dominions, arm our public and private ships, and unfurl the republican banner against the imperial standard. This done, the English orders would cease to operate. We should hear no more of the unparalleled folly of contending at the same time with all the great powers of Europe; our trade to every region of the globe, except France and her dependencies, would again recover and flourish; our agriculture would

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feel the influence of the emancipation of trade, and, hand in hand with the general prosperity, the revenue would once more exceed the expenditures." This report, after

Feb. 3. a very warm discussion, was accepted by a vote of 195 to 127.

The answers of the two Houses, no less than the lieutenant-governor's speech, smacked very strongly of Hutchinsonian times. Care was taken explicitly to disavow any disposition to separate from the Union, or intention to encourage resistance to the laws. At the same time, it was pretty plainly intimated that the embargo and its supplements were not laws. "The people of New England," said the Senate, "perfectly understand the distinction between the Constitution and the administration. They are as sincerely attached to the Constitution as any portion of the United States. They may be put under the ban of the empire, but they have no intention of abandoning the Union." Adherence to the Union did not, however, require even passive obedience to unconstitutional and ruinous stretches of power. "On such occasions, passive obedience would, on the part of the people, be a breach of their allegiance, and, on our part, treachery and perjury. The people have not sent us here to surrender their rights, but to maintain and defend them; and we have no authority to dispense with the duties thus solemnly imposed."

At the very opening of the session, a great mass of petitions had been presented to the House from various

Feb. 2. town-meetings. Upon these petitions a report was made, concluding with a series of resolutions (in which the Senate concurred) pronouncing the late Enforcing Act to be, in many respects, "unjust, oppressive, and unconstitutional, and not legally binding;" recommending, however, to parties aggrieved by it, "to abstain from forcible

resistance, and to apply for remedy in a peaceful manner to the laws of the commonwealth." A strong memorial to Congress against the embargo was presently adopted, and a bill was passed, prohibiting, under high penalties, any searches of dwelling-houses, unless by virtue of warrants issued on complaints supported by oath—a particular in which the Enforcing Act was thought to trench upon the Constitutions both of the state and the Union. This bill, however, failed to become a law, by reason of the executive veto. 1809.

An order from Washington, in consequence of the resignation of the collector of Boston, to the commandant of the fort in the harbor, to allow no vessel to pass, though countermanded a few days after, served to add to the excitement. All the ships hoisted their flags at half mast. It was not without reason that Randolph warned the administration that they were treading fast in the fatal footsteps of Lord North. Feb. 1.

The conduct of Governor Lincoln, in detatching militia under the president's late circular, and himself designating special corps for this purpose, and officers to command them, became the subject of investigation by the General Court, and was pronounced illegal. Militia detachments, so it was resolved, could lawfully be made only through the agency of the commanding officers of divisions. Feb. 24.

Cotemporaneously with this legislative action were new popular movements in the towns. Private accounts, still more alarming, were furnished by John Quincy Adams, in his letters to Giles and other members of Congress, and subsequently in a confidential interview with the president, already referred to, Adams having gone to Washington nominally or really to attend the Supreme Court. In this interview, Giles, Wilson C.

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Nicholas, and Robinson, one of the Vermont senators, acted as introducers. Adams stated, such is his own account, given twenty years after, "that a continuance of the embargo much longer would certainly be met by forcible resistance, supported by the Legislature, and probably by the judiciary of the state. That if force should be resorted to by the government to quell that resistance, it would produce a civil war; and, in that event, he had no doubt the leaders of the party would secure the co-operation of Great Britain. That their object was, and had been for several years, a dissolution of the Union, and the establishment of a separate confederacy, he knew from unequivocal evidence, though not provable in a court of law; and that, in case of a civil war, the aid of Great Britain to effect that purpose would be as surely resorted to, as it would be indispensably necessary to the design." Though Adams prefaced these communications, so he states, by declaring that he had no personal or interested motive in making them, and no favor to ask, he has not, however, escaped the imputation of having sought political favor by a secret railing accusation against his former political associates, which, at the time, they had no opportunity to answer. To this, indeed, has been added the still more serious accusation, that in attempting, twenty years after, to secure political promotion by an appeal to antiquated antipathies, he publicly reproduced this alleged plot, the parties implicated in it being then no longer alive to vindicate their reputations. It is not true, however, that Adams secretly made a charge which he was not prepared to make openly; nor, whatever might be his faults as a politician and a man, was there any thing of that undermining sort in his charaeter. As that always seemed to him to be the truth, which it was his apparent

interest for the moment to represent as such, so his dogged and invincible spirit never shrank from the open maintenance of it. This notion of an Essex Junto plot to dissolve the Union was not confined to Adams. De Witt Clinton brought it out, at this very time, in the Senate of New York, of which he was a member, in a violent attack upon the New England opponents of the embargo. It was also distinctly urged in the very first number of the Boston Patriot, a new administration paper, commenced about this time, to which both John Quincy Adams and his father became contributors. In a review of the writings of Ames, contributed to that paper in a series of numbers, and well known at the time to be written by John Quincy Adams, he distinctly charged that Ames had been the unconscious tool of a disappointed and disaffected party, who had been and still were scheming "to form a new confederacy, to be under the glorious shelter of British protection." The proofs, however, whether stated then or afterward, of the existence of any such plot, were sufficiently slender. It was said to have originated with a few Federal members of Congress, in consequence of the annexation of Louisiana. They had proposed to have a meeting at Boston, at which Hamilton was to have been present. It was admitted that he disapproved of the scheme, and yet his reasons for accepting Burr's challenge were cited to prove that he expected a civil war, which was prevented by Hamilton's sudden death. Such seems to have been about the whole, even according to Adams's own account, of this alleged plot—carefully concealed, as he admitted, from the great body of the Federalists, to whom the idea of a separate confederacy would have been very abhorrent; and unknown even to the greater part of the leaders, including one so conspicuous as Ames. The only thing, indeed, which appeared in the

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New England newspapers at this time with the least cast toward disunion, was a series of articles signed "Falkland," in which it was argued that, if Virginia, finding herself no longer able to control the Union, should secede and dissolve it, the Northern States, though thus deserted, might nevertheless be able to take care of themselves.

Nor do the representations of Adams appear to have produced so much impression on Jefferson's mind as he seems to have supposed, when writing from memory some twelve years afterward. So far from having been induced by these representations to consent to the repeal of the embargo, he expressly declared, in a letter written at this very time, his having become satisfied "that the Essex Junto had found their expectation desperate of inducing the people there either to separation or forcible resistance." In fact, as we shall presently see, it was to a very different interference that, while the whole matter was fresh in his memory, he ascribed that panic of his partisans on the subject of the embargo, to which he seems to have reluctantly yielded.

Feb. 7.

However chimerical might be the idea of an Essex Junto plot to dissolve the Union, the state of things in Massachusetts was still sufficiently alarming; the more so as that state did not seem likely to stand alone. Governor Trumbull, of Connecticut, had declined to comply with the president's circular for the designation of special officers of militia on whom the collectors of the customs might call for aid. He did not know, so he stated, of any authority under which such appointments could be made. Instead of detaching militia to aid the collectors, he summoned the Legislature to meet, in his opening address to whom he took the ground that, on great emergencies, when the national Legislature had been led to overstep its constitutional power, it became the right and duty

Feb. 4.

Feb. 23.

of the state Legislatures "to interpose their protecting shield between the rights and liberties of the people and the assumed power of the general government." The session resulted in the adoption of measures very similar to those of Massachusetts. In the other three New England States, the same spirit was making rapid progress. The administration, so lately triumphant in those states as well as in Massachusetts, was indeed still supported by a zealous party, headed by the government office-holders. But, though numerically strong, that party embraced comparatively few persons of reputation and weight; and, notwithstanding the recent distinguished accessions to it of Adams, Plumer, Gray, and others, it was daily diminishing even in numbers. Nor was it easy to say how soon the same spirit might spread into New York. The Legislature of that state had, indeed, just passed resolutions approving the embargo, De Witt Clinton taking the lead in a violent attack, as we have seen already, upon the Essex Junto, and an appeal to all the ancient prejudices of New York against New England. But Cheetham's American citizen still declaimed against the policy of the administration; the Federalists were daily gaining ground; and no great reliance was placed on the steadfastness of Clinton, to whom this playing into Madison's hands could not be very agreeable.

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Even in some of the approving states, the enforcement of the law was likely not to be so easy. All the Georgians were not so patriotic and self-sacrificing as Troup. Armed British vessels began to appear off the coast of that state, for the purpose of exchanging British goods for cotton—an operation very profitable to both sides, and in which they found many persons ready to participate. In his frequent assaults on the administration, Randolph

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begged them to consider the impossibility of prohibiting commerce; and, as a practical proof of it, he referred to the futile attempts during the war of the Revolution, in the interval between the ceasing of active hostilities and the ratification of the treaty of peace, to prevent trade with the British in New York.

Notwithstanding the passage of the Enforcing Act, a wavering had begun to appear, even before the meeting of the Massachusetts Legislature, in the congressional ranks of the administration; and as if to pacify the opposition with the prospect of change, an act was passed appointing the last Monday in May for the meeting of the new Congress, for which this reason was given, that the time would then have come for changing the embargo into war, still insisted upon as the only alternative. But this meeting of Congress in May was vehemently denounced by Quincy as a mere trick to gain time. He treated with still greater contempt the pretense of an intention of going to war. "I am sick to loathing of this eternal clamor of war, kept up on this floor for two years past. If I can help it, the old women of the country shall not be frightened this way any longer. I have been a close observer of what has been said and done by a majority of this house, and, for one, I am satisfied that no insult, however gross, offered to us by either France or Great Britain, could force this majority into a declaration of war. To use a coarse but common expression, they could not be kicked into a war. During two years that we have been kept in daily apprehension, what has this majority done toward the maintenance of our rights, should war actually result? We have built seventy gun-boats, and we have a hundred thousand militia in requisition. Do we mean to fight Great Britain with these? Are they competent to main-

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tain our maritime rights? But then there is the additional army of five thousand men. While the proposal to raise that army was before the House, no cry was so universal as that of union. And did we make a party question of it? No; we supported it very generally. But upon what principle have you appointed officers to that army? As though you wished to unite every heart and hand in opposition to the common enemy? or as though you had no other object but to reward political adherents, or to enforce the embargo? I have evidence satisfactory to my mind that the Secretary of War has made it a principle not to appoint any man to a command in that army who is not an open partisan of the existing administration. If it be denied, appoint a committee of inquiry, and if the fact turn out otherwise, I will be happy to acknowledge my error. If the intention had been to unite the nation as one man against a foreign enemy, is not this the last policy which any administration ought ever to have adopted? Is not a party army the most dreadful and detestable of all engines, the most likely to awaken suspicions and to inspire discontent?

"With but one frigate and five sloops in commission, you talk of going to war with England, and that, too, while you have not resolution enough to meet the expenses of the paltry little navy rotting here in the Potomac! Have we not heard it said repeatedly on this floor that to fit out that little navy would empty our treasury? You go to war, with all the revenue to be derived from commerce annihilated, and with no other resources than loans, and direct or other internal taxes; you—a party that rose into power by declaiming against internal taxes and loans! With a revenue reduced to such a condition, do you hope to make the people, and,

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much more, foreign nations, believe that such is your intention?

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Quincy's sneers, perhaps, helped the bill from the Senate for putting the naval force in commission; though, as finally passed, it was limited to the equipment of such vessels, at the selection of the president, including four additional frigates, as 300 additional midshipmen, 3600 additional seamen, and 800 additional marines might suffice to man. The House wished to appropriate a million for fortifications, but the Senate reduced it to $500,000, with an addition of $25,000 for making the canal from the Mississippi at New Orleans to Lake Pontchartrain navigable for gun-boats. An increase of the navy was warmly urged by Joseph Story, afterward so distinguished as a judge, who sat in the House a few weeks as a member from the Salem district, in the seat left vacant by Jacob Crowninshield's death. He expressed his decided opinion that, in case of war, operations might advantageously be carried on by sea. Williams insisted, on the other hand, that if we built ships, they would all fall into the hands of the British. "I was born among the hardy sons of the ocean," answered Story, "and I can not so doubt their courage or their skill. If Great Britain ever obtains possession of our present little navy, it will be at the expense of the best blood of the country, and after a struggle which will call for more of her strength than she has ever found necessary for a European enemy." Story

suggested a fleet of fifty fast sailing frigates; but scarcely a Democrat from the Middle or Southern States could be found to support him. Williams expressly declared that, if the rights of America were only so to be saved, he was for abandoning them at once. Story's motion was quietly laid on the table. The House had much greater confidence in a land force; but a bill sent up from that body for enrolling 50,000 volunteers was lost in the Senate.

Pending these proceedings, as if to make the House realize that the only choice lay between embargo and war, or perhaps to favor a negotiation of which an account will presently be given, Nicholas proposed, as a substitute for the embargo, the issue of letters of marque and reprisal against all nations infringing our maritime rights. Bacon suggested, as a measure less decidedly belligerent, to allow merchant vessels to arm, and to resist force by force. In the debate on these resolutions, the alarm and indecision of the late powerful and united majority clearly appeared. Williams entreated the minority to come forward and rescue the country from its present dreadful situation. They had reduced the majority to the alternative of repealing the embargo or sustaining it by force. He could not doubt that they possessed the power of calming the effervescence in New England, which he ascribed solely to them. By so doing, they would save the government from the disgrace of imbecility, without obliging it to use the bayonet, and the nation, whose thanks they would merit, from the black stain incident to foreign taxation. "Suppose the government have been wrong from first to last, is that a reason," asked Williams, "why we should not resist foreign tribute? You are taxed more heavily by Great Britain than her own colonies are, or than you are by

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your own government. Under the orders in council, you are in a much worse situation, as to the exportation of your produce, than the island of Jamaica. The produce of that island is required to be first deposited in Great Britain, but all the surplus of that produce is free to be exported, and is entitled to a drawback of the import duties. Is it so with yours? No, sir; the great staple of the country—cotton—worth more than any two others, is coerced into Great Britain, and is absolutely prohibited from re-exportation altogether." This was by a recent order in council, which had substituted a prohibition of export instead of the former heavy export duty of eighteen cents per pound. "Duties of from forty to fifty per cent. are imposed on the re-exportation of other articles. You are to raise cotton to carry to the British dominions and nowhere else! What does this amount to? Any thing short of the assumption of the sovereignty of the soil? And yet gentlemen can not see any cause of war! All the objections made to war with Great Britain —want of revenue, want of ships, want of objects of attack, destruction of commerce, danger to our liberties from standing armies, were nothing but disguises for want of patriotism, and contemptible cowardice." Yet with all this zeal for the freedom of the cotton trade, Williams joined in Randolph's objection to the resolution of Nicholas, that it would amount to a pledge, which he was not ready to give, of the last shilling and the last drop of blood for the maintenance of maritime rights in every sea. Impatient as he was to fight for the rights of the cotton-growers, Williams had not the least idea of going to war for the rights of the ship owners. Like so many other Southern representatives, too excitable, passionate, transparent, and sincere to conceal from others his interior feelings and impulses, however they might

be hidden from himself, while urging the navigating interest to submit quietly to destruction, in hopes of forcing a wider market for cotton, he declaimed with the most perfect unconsciousness about the self-sacrifice of the South and the selfishness of the North.

The apology urged by the Northern Democrats for refusing to support the embargo any longer, appears in the following extracts from the speech of Cook, one of the Democratic members from the District of Maine. "The South say embargo or war; the North and East say no embargo, no war. I applaud the resentment of the people of the South, and greatly revere their high sense of honor. I greatly lament that this difference exists; but as it does exist we must take things as they are, and legislate accordingly. The genius and duty of republican governments is to make laws to suit the people, and not to attempt to make the people suit the laws. In monarchies, the people are drilled to suit laws flowing from a despot; but this should never be attempted in a republican government, the strength of which is the love and attachment of the citizens. You can not make war with the promise of a successful issue while the people are disunited. The people must, with one voice, unitedly call for war, from every section and every village. The people must urge us into war; we can not drive them into a successful contest. Considering myself as a representative of the people, I view it as my duty, at this eventful moment, to make known what I conceive to be, if not the universal, the general opinions and wishes of the citizens, of all politics, in the Northern States. I will not be answerable for the correctness of these opinions and wishes. I could desire that, in some instances, they were less governed by cupidity of gain. Yet, place the people of the South in the same situation, surround-

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ed by the same temptations, and pressed by the same losses, and their conduct would not be different. To comply with the general wish of the North, the Embargo Acts must be repealed, at an early day, and perhaps the first of March would be as early, as would comport with justice to all the merchants, in allowing all an equal chance to be first in the foreign market. Yet, in repealing the embargo, they mean not submission. Their voice is, Arm in defense of neutral and national rights! They wish for liberty to arm and to defend themselves against the infraction of our indisputable rights on the ocean; and this defensive arming they wish to see regulated, so as, if possible, to preserve peace, and to do away, as far as is honorable and politic, every cause of collision with foreign nations. Some, I know, would resort to non-intercourse; but the same spirit, I fear, would defeat that, which has defeated the embargo. The spirit of trade is active and ever busy, and must have vent. To arm our vessels to defend our rights could not be called submission, while to continue the embargo, now that its coercive operation is despaired of, would be submission in fact."

Feb. 2.

By a parliamentary maneuver, which Nicholas had not anticipated, a division was called for upon his resolution. The question was first taken on the bare repeal of the embargo, leaving the proposed substitute to be separately voted on. The first of June as the date of the repeal was favored by the administration, not only as allowing time for new diplomatic efforts, but for the previous assembly of the new Congress. But this motion was lost, 40 to 73. An attempt to postpone the subject indefinitely was lost, 26 to 93. The first of March was then agreed to for the day of repeal, ayes 70.

Feb. 3.

Thus amended, this part of the resolution was carried, ayes 76. Nicholas's proposal for the issue of letters of

marque and reprisal was then voted down, 57 to 39. Randolph proposed to substitute for it Bacon's resolution for the arming of merchant vessels; but at this point, after some debate, the administration party rallied, and by a vote of 65 to 55, the resolution was referred to the Committee on Foreign Relations, to whom also had been recommitted a bill, which they had reported some time before, to carry out their recommendation of a non-intercourse with France and Great Britain. 1809.

This sudden break-down of the embargo majority was ascribed by Jefferson "to an unaccountable revolution of opinion and kind of panic, chiefly among the New England and New York members." That revolution and panic, in another letter, some sixteen months afterward, he referred to the influence of a single "pseudo-Republican—Story;" an account sufficiently confirmed by Story's own letters. "He came on and stayed but a few days, long enough, however, to get complete hold of Bacon, who, giving in to his representations, became panic-struck, and communicated his panic to his colleagues, and they to a majority of the sound members of Congress. They believed in the alternative of repeal or civil war, and produced the fatal measure of repeal." Feb. 7. 1810. July 16.

But Story and the Northern Democrats were by no means the only late supporters of the embargo to perceive the absolute necessity of getting rid of it. As soon as Madison's election to the presidency was decided, he and Gallatin, who was to continue at the head of the treasury, had approached Erskine, the resident British minister, with that object in view. Notwithstanding Canning's late rebuff, they hoped, by Erskine's assistance, which he was very well disposed to give, to enter into arrangements with Great Britain, such as might release the United States from their present awkward pre-

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dicament and untenable position. Even the report of the Committee on Foreign Relations seems to have been framed with a view to this negotiation then secretly going on. The sudden and voluntary abandonment of the embargo by Congress, before the arrangements secretly under discussion were matured, was no less alarming to Madison and Gallatin than it was distasteful and mortifying to Jefferson. It was a part of their scheme to seem to give up the embargo as to England, along with some other important concessions, some avowed and others tacit, in return for certain concessions on her part.

In this emergency, in hopes of bringing the hitherto docile but now turbulent ranks of the Republicans to order, a private caucus was called of the Democratic members. Had it been possible, as it was not, to communicate to the opponents of the embargo Madison's secret objects and intentions, they might easily, perhaps, have been brought to acquiesce in his policy of continuing the embargo till after the meeting of the new Congress. Means, however, were found to bring about a compromise. As to France and Great Britain, the embargo was to be continued till Congress met, with the addition, also, of the proposed non-importation from the dominions of those two aggressive powers. Under color of placing France, in every respect, on the same level with Great Britain, but, in fact, with a special view to the arrangement of the Chesapeake affair, French as well as British ships of war were to be excluded from American harbors. These points having been agreed to in the caucus, Giles, who seemed to take the lead for the incoming administration, introduced two resolutions to that effect into the Senate, while the House Committee on Foreign Relations reported back their non-intercourse bill, with the addition of the same two clauses.

Feb. 6.

Feb. 8.

An attempt, by the ultra embargo men, to strike out the first section, obtained only twenty-four votes. All the opponents of the embargo voted against this motion, though, to many of them, the proposed non-intercourse with France and Great Britain was highly exceptionable. Cook ably stated the objections to it. It would only result in depressing our own for the benefit of British navigation. The produce of the United States would be carried to some place of deposit, whence it would be conveyed to England in British vessels; the carriage of American products being thus mainly transferred to British ships. Nor, with our extent of coast, could the exclusion of British goods be enforced. Such an attempt was precisely calculated to destroy the moral principle which heretofore had so strictly enforced our revenue laws. In the inequality of its operation upon different sections of the country, the non-intercourse was liable to the same objections with the embargo.

Further debate on this bill was presently superseded by the coming down from the Senate of another, introduced and carried through by Giles on the basis of his late resolutions, but containing some additional provisions, designed still further to facilitate the hoped-for arrangement through Erskine. By one of these clauses, in case either France or Great Britain should so modify her edicts that they should cease to violate the neutral commerce of the United States, the president was to announce that fact by proclamation, after which, as to such repealing nation, both the embargo and the proposed non-importation were to be suspended. By another clause, in case of repeal by one nation and persistance by the other, letters of marque and reprisal were to issue against the persisting nation. Though really intended to facilitate the arrangement with Great Britain by holding out

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a threat against France, this clause was warmly opposed by members of both political parties not in the secret, as only a very few were, on the ground of its tending to bring on a war with Great Britain. "The people," said Lyon, "do not wish for war. None wish it but those who want commissions or some other personal benefit. It was our true policy to let the nation grow till it attained the strength and power effectually to vindicate its rights. Though the embargo was a ruinous measure, he would rather continue it for seven years than plunge into a war."

Williams and Eppes penetrated and exposed the true object of these clauses. "The surrender to Great Britain," said Williams, "of the right of impressment, and of every other right previously in contest, was offered as the purchase-money for the revocation of the orders in council. He blushed for his country that such a proposition should be seriously entertained. He would declare war to-morrow most heartily; he would vote to issue letters of marque and reprisal forthwith; but he would not barter away our rights for the repeal of the orders in council."

"It was like setting ourselves up at auction," said Eppes, "to the best bidder, leaving it to the humor or whim of Talleyrand or Canning to decide whether we were to present ourselves as a courtesan to the polluted embraces of England, or be fixed on the imperial car."

The motion to strike out the letters of marque and reprisal—such, at that time, was the dread of any thing like an approach to war—was carried, 74 to 33. Williams then moved to substitute for the proposed non-intercourse discriminating duties of fifty per cent. upon British and French goods and produce. It was warmly urged by Williams, Lyon, and others, on behalf of this motion,

that the proposed non-intercourse was every way deceptive; seeming to be a repeal of the embargo, yet retaining many of its worst features; an apparent retaliation on the belligerents, yet far more injurious to us than to them. The same ground was taken by Sloan, whose opposition to the embargo had not only lost him his re-election to Congress, but who, by way of reply to a printed letter against it which he had addressed to the Democrats of Philadelphia, had been threatened, as he told the House, with a coat of tar and feathers. Sloan urged especially the state of the treasury as a reason in favor of Williams's motion, which was lost by only a single vote, 50 to 51.

Bacon and Cook then proposed, instead of non-intercourse with France and Great Britain, an authorized arming of merchant ships, as a measure, so they stated, satisfactory to the opposition, and tending to unite a divided people. The proposal was vehemently opposed by Holland, an old North Carolina member. Any renewal of trade, he said, would only end in the merchants coming again to demand protection from the government. "And was the government again to be thus duped? If there had been any fault at all, it was only in going too far for the support of commerce. And how had the government been rewarded? Since the merchants had deserted their own cause, sooner than again attempt to protect them, he would leave commerce and the rights of the seas to the mercy of the belligerents, repeal all our discriminating duties and drawbacks, and reduce our own merchants to the same footing with foreigners." The Southern members were not at all disposed to risk a war for commerce; and this proposition, as being too warlike, was also lost, 50 to 45.

All these proceedings were in Committee of the Whole.

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In the House an attempt was made by the ultra embargo men to strike out the partial repeal of that measure. Lost, 32 to 82. It was then attempted to postpone that partial repeal to the twentieth of May, when the non-importation clause was to go into effect. Such was Madison's wish; but this too failed, 47 to 66.

Jackson, of Virginia, then brought forward a new amendment, or rather a substitute. He proposed to authorize the president to demand of the belligerents the repeal of the obnoxious orders and decrees, and in case Great Britain refused, to employ such military force as might be necessary to take possession of Canada and Nova Scotia, with the addition, also, of reprisals on her commerce by our public armed vessels and by privateers; and similar reprisals, also, against France, on her refusal to repeal.

The speeches on this motion sufficiently evinced, if that point, indeed, were not clear enough already, that pecuniary considerations were not without their weight, as well with the Southern planters as the Northern ship-owners. Eppes feared "that the proposed non-intercourse would afford no relief to the Southern States, whose produce would still be lying on their hands. Take three dollars in the hundred from the price of tobacco (the British duty, under the orders in council, on shipments to the Continent), and the cultivation of it was out of the question." This was on the supposition, common among the planters, that the British transit duty fell on them, whence their great zeal against the payment of tribute. The merchants took the more correct view, that these duties fell, at least to a great extent, on the consumer, being levied rather on Bonaparte's subjects than on the producers in the United States.

"If we are such dastardly wretches," added Eppes, "as

to allow Great Britain to tax at will the great staples of the country, can it be supposed that she will ever hereafter allow us to be the carriers of our own produce? Whatever present relief the bill before the House might afford to the shipping interest, ruin would ultimately fall on every man who had any thing at stake in the country. If we took no means to resist taxation, he should be compelled to believe that what had been said was correct—that the majority of the House could not be kicked into a war." 1809.

Though the fact was not yet known in America, the tribute so much complained of by the Southern members, by whomsoever paid, had ceased to be levied, at least through the medium of American vessels. While the Southern planters had been complaining of the British duties on the transportation of their commodities, the greedy British merchants had been murmuring no less loudly that any American trade at all was allowed with the Continent. Yielding to these clamors, the British government, in hopes of breaking down the Continental manufactures, had first subjected cotton to an entire prohibition. Advantage had since been taken of the American clamor against paying tribute to extend the same policy, by a new order in council, to all American products. In successively communicating to Pinkney these two new additions to the stringency of the orders, Canning found a new opportunity to indulge his spirit of sarcasm. He coolly called Pinkney's particular notice to these marked concessions to American delicacy. When the system of duties on shipments to the Continent had been adopted, the idea that these duties would be construed into a tribute had never occurred. That objection the British government had hastened to remove by adopting the policy of entire prohibition. 1808. Dec. 21.

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Williams "rejoiced at the opportunity afforded by Jackson's motion of registering his vote for war;" and he moved to amend by making Jackson's proposed measures not conditional, but immediate and imperative. To this amendment, Lyon and Randolph, now harmoniously co-operating, gave an ironical support. If there was to be war, the sooner we had it the better, instead of waiting till the resources of the country were exhausted by the prostration of commerce. But, though thus unexpectedly supported, Williams's amendment failed, 56 to 67, after which Jackson's proposition was lost, 74 to 46. Several other similar amendments were moved, but all were voted down; and, finally, after a continuous sitting of fourteen hours, the bill was forced through to a third reading.

Feb. 27.

On the question of its engrossment, Milner, of Pennsylvania, observed that the passage of this bill would certainly be a novelty in legislation. It had not, he believed, a single friend in the House. It was obscure and perplexed, leaving the embargo partly repealed and partly in force; and so difficult to be understood, that he called upon its partisans, if it had any, to explain and defend it. Dawson, of Virginia, denounced it as a weak and wretched expedient. Cook said he should vote for it, but only as a choice of evils. Randolph made an elaborate speech against it. Sloan declared that nobody could detest it more than he did, yet he should vote for it, because he, as well as the people, were so heartily sick of the embargo as to be glad of any thing in its place. The bill finally passed, 81 to 40, the ultra friends and the most vehement opponents of the restrictive system voting against it. Of those who voted for it, not one declared himself tolerably well satisfied with its provisions. The best argument in its favor was its tend-

ency to facilitate the pending negotiation with Erskine; but that was a matter of which the House knew nothing. Probably not half a dozen were in the secret. CHAPTER XXI. 1809.

The effect of this new law was to repeal the embargo after the fifteenth of March, so far as related to all countries except France and Great Britain and their dependencies, and as to them, also, after the end of the next session of Congress. The coasting trade was, in a great measure, set free. All the arbitrary provisions of the late Enforcing Act, except as to the collection districts adjoining the British territory, fell to the ground; but so long as any part of the embargo remained in force, coasting vessels were still required to give bonds not to carry their cargoes to any foreign country, and to prove a relanding within the United States. Vessels bound on foreign voyages were also to give bonds not to enter any prohibited ports. In one important particular, this new act was even more restrictive than the old one. To the prohibition, henceforth limited to Great Britain and France and their dependencies, of exports, it added a prospective prohibition, to commence on the twentieth of May, of all imports from those countries. This new act, however, was limited in its terms to the end of the next session of Congress, which, by an act already passed, was to assemble on the last Monday in May. The act prohibiting the import of certain British manufactures—a political expedient so inconvenient in its operation that it had been found necessary repeatedly to extend, and at length to modify it, and which now stood in the way of the expected arrangement with Erskine—was repealed at once, under pretense that it would soon be absorbed in the more general prohibition. Every body perceived that the greater part of the provisions of this new act in restraint of commerce were substantially nugatory.

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While it subjected honorable merchants to serious embarrassments, it was ten times more open to evasions even than the original embargo. In fact, the wire-pullers had carried it through, with no expectation that it would ever go into force, but merely as affording to the party a sort of cover from the public acknowledgment of total failure, while they retreated upon the new arrangement with Great Britain, which it was hoped, by Erskine's aid, to accomplish. To that negotiation it afforded very substantial assistance, not only by the authority given by the president to suspend the prohibitions as to either nation, but especially by removing the two great obstacles to an arrangement with Great Britain—the special exclusion of British ships from American waters, and the special exclusion of certain British manufactures under the Non-Importation Act of 1806.

The only other act of historical importance passed at this session was one erecting the new Territory of ILLINOIS, including the present states of Illinois and Wisconsin. The inhabited portions of this new territory, of which Ninian Edwards was appointed governor, were chiefly near the Mississippi, opposite the mouth of the Missouri; and the old French village of Kaskaskia was selected as the seat of government. The population amounted to about 10,000, including, besides the old settlers of French origin, a still larger number of Anglo-American immigrants.

With the close of the Tenth Congress, closed, also, Jefferson's administration. Indeed, he seemed inclined, in his private correspondence, to throw upon the incoming cabinet, to which, no doubt, it entirely belonged, the responsibility of the recent enactments. Party animosity, so far from having been extinguished under his

rule, as he had fondly anticipated, had broken out, especially of late, with new fury, and as he came into office, so he now left it, with a character very differently estimated by the two great political parties into which the nation was divided. 1809.

Judging, as the superficial mass of mankind always do, more by professions than by practice, by words than by deeds, the great body of the Democratic party continued to look up to the retiring president, and all the active party leaders, whatever might be their private opinions, to recommend themselves to party favor and confidence by extolling him as the very personification of republican wisdom and virtue; entitled by his simplicity, his straightforward truth, his clear and candid judgment, no less than by his disinterested and earnest devotion to the rights of man, to implicit confidence; a confidence more that of religious devotees in some favorite saint, than the limited and guarded trust, which alone, according to republican maxims, ought ever to be placed in any political leader. Such, indeed, were the reverential sentiments very generally expressed, not only in the Democratic newspapers, but in legislative resolutions, on the occasion of Jefferson's retirement from office.

The Federalists, on the other hand, together with a certain number of once leading Republicans, did not hesitate to denounce the ex-president as an accomplished political Jesuit, wonderfully adroit to ascend the ladder of democratical power, but whose narrow policy and visionary imagination, the policy of an inland planter, the imagination of a pedant, disqualified him from redeeming, as sometimes happens, by skilful conduct of affairs, the base arts, the flattering of passions and stimulating of prejudices, by which be had risen to power.

Many previous acts of his administration, but espe-

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cially the whole history of the embargo, were quoted to prove him a hypocrite and base deceiver, totally forgetting, in practice, all his professed regard for the wisdom of the people; all his pretended reverence for public opinion; all his reiterated objections to stretches of executive authority; all his violently-urged attachment to a strict construction of the Federal Constitution; all his anxiety that the general government should not trespass on the reserved rights of the states; all his objections in general, carried often to extremes, against legislative interference with the right of men to exercise their own judgment in the management of their own personal affairs.

Nothing, indeed, could have been less in accordance with Jefferson's political theories than to have thrust upon the country one of the most momentous measures which it was possible to adopt, involving the very livelihood of tens of thousands, without warning, without discussion, without the least opportunity to have the public opinion upon it; employing for that purpose a servile Congress, driven to act hastily in the dark, with no other guide or motive beyond implicit trust in the wisdom of the executive—and such a measure the embargo, the most remarkable act of Jefferson's administration, unquestionably was. Yet it would be most rash and unjust to charge him or any man with political hypocrisy merely because, when in power, he did not act up to the doctrines which he had preached in opposition. It is not in the nature of enthusiasm to hesitate or to doubt; and that very enthusiasm, though it had liberty and equality for its object, with which Jefferson was so strongly imbued, pushed him on, however he might theorize about the equal right of all to be consulted, to the realization of his own ideas, with very little regard to opposing opinions. With all his attachment to theoretical equal-

ity, he was still one of those born to command, at least to control; brooking no authority but his own; and not easily admitting of opposition or contradiction, which he always ascribed to the worst of motives; while in the feeling that he sought not selfish ends, but the good of the community, he found, like so many other zealous men, sanction for his plans, justification of his means, and excuse for disregarding the complaints and even the rights of individuals. 1809.

Yet, whatever defects of personal character, whatever amount of human weaknesses we may ascribe to Jefferson; however low we may rate him as a practical statesman; however deficient we may think him even in manliness and truth; however we may charge him with having failed to act in accordance with his own professed principles; there remains behind, after all, this undeniable fact: he was—rarity, indeed, among men of affairs—rarity, indeed, among professed democratical leaders—a sincere and enthusiastic believer in the rights of humanity. And, as in so many other like cases, this faith on his part will ever suffice to cover, as with the mantle of charity, a multitude of sins; nor will there ever be wanting a host of worshippers—living ideas being of vastly more consequence to posterity than dead actions passed and gone—to mythicize him into a political saint, canonized by throbbing wishes for themselves, and exalted, by a passionate imagination, far above the heads of cotemporary men, who, if they labored, suffered, and accomplished more for that generation, yet loved and trusted universal humanity less.

Between Jefferson as a political theorist, palliating Shay's rebellion by the general remark that a little insurrection now and then is necessary to keep every kind of government in order; between Jefferson as leader of

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the opposition, denouncing the tax on whisky as "infernal," and almost justifying the rebellion against it, and Jefferson as president, dissatisfied with the law of treason as laid down by Chase and Marshall, and calling upon Congress for greater stringency, seeking to enforce the embargo by assumptions of power, which, if constitutional, which multitudes questioned, were vastly more arbitrary and meddlesome than any thing in the Excise Act, there was, indeed, a striking contrast. That contrast, however, was by no means confined to Jefferson. The remarkable change which, in the last eight, and more especially in the last two years, had taken place in the respective politics of Democrats and Federalists, was indeed sufficient to show that this party distinction had arisen, not from any fundamental, or, indeed, serious differences of political theory, but partly from differences of opinion as to certain questions of temporary policy, partly from divided sympathies as respected the two great belligerents, France and England, and still more from the very different aspects in which the exercise of authority is regarded by those who happen to be in power and those who happen to be out.

The Republicans, who had been, in their earlier days, the champions of state rights as against the Federal government, and of popular rights as against authority in general, had now, under their new name of Democrats, and in possession of the Federal and of most of the state administrations, become the special advocates of implicit obedience; ascribing to the mandates of a legislative majority, especially when supported by the Federal judiciary, something almost of the sacredness of divine right.

But state rights and the rights of individuals, the supremacy of abstract justice, high above all human enactments, still had their champions. The Federalists, those

of New England especially, whom Jefferson had been accustomed to denounce as the priest-ridden minions of monarchical and aristocratic prejudices, stepped forward now to snatch from the ground that banner of resistance to arbitrary and unconstitutional Federal enactments, which its original champions, themselves become rulers, were ready to trample with scorn under foot. As to the Federalists belonged the credit of having framed and ratified the Federal Constitution, and put it into successful operation, so there now devolved upon them the no less important duty of guarding that Constitution against being converted, by a consolidation of power in the hands of the Federal executive, into an instrument of intolerable tyranny.

1809.

Among those loudest, at this moment, in charging such abuses of power upon Jefferson, it is curious to note Edward Livingston, younger brother of Chancellor Livingston, formerly of New York, now of New Orleans, and, as against the administrations of Washington and Adams, one of Jefferson's most zealous and steadfast co-operators. There has already been occasion to mention Livingston's appointment by Jefferson as district attorney of New York; his becoming a defaulter in that office for a large amount; his removal to New Orleans; his efforts there, both professional and speculative, to retrieve his fortunes; the part he took in politics, especially his protests against the first territorial form of government, and against the proclamation of martial law by Wilkinson during the alarm of Burr's conspiracy. We are now to see him involved in a new contest with Jefferson personally.

Some fifteen years before the cession of Louisiana to the United States, one Gravier, the proprietor of a plantation immediately adjoining the city of New Orleans,

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had laid out the front part of it in lots, on which had been built the suburb of St. Mary. Even at that time there had begun to form, in front of the levee, or raised bank by which the plantation Gravier, in common with the city and the adjoining plantations, was protected from the Mississippi, an alluvial deposit or river beach, presently known as the "batture." Gradually increasing in extent, that beach had come to be used as a landing-place for the flat-bottomed boats from up the river, the citizens also digging earth from it as they had occasion. It occurred to Livingston, shortly after his arrival at New Orleans, that, by virtue of the legal doctrine that alluvions belong to the proprietors of the adjacent river bank, this batture, which was now capable of being converted into a valuable piece of property, was in law still a part of the plantation Gravier. He accordingly entered into a contract for the purchase of that plantation at a certain fixed price, in case of his recovering possession of the batture in a suit, which he commenced, in the name of the proprietor of the plantation, against the city of New Orleans. The plea of the city was, that, since the laying out of the suburb of St. Mary, the support of the public road and of the levee in front of it had fallen upon the citizens; and that the batture, having been abandoned to the public, had ever since been in the use and occupation of the city, and not of Gravier. But a sufficient period to establish a title by prescription had not expired, and at the end of two years, and after much argument, the court of final resort decided (May, 1807) that the batture did not belong to the city, but was appurtenant to the plantation Gravier. Thereupon Livingston completed the purchase, contracting to pay the sum of $77,000; and he proceeded to expend some $13,000 more in dikes and other improvements. This

appropriation of the batture as private property was excessively disagreeable to the people of New Orleans. The court was accused of partiality and corruption. A cry spread that the American courts and lawyers were in a conspiracy to plunder the Creoles under cover of law. A great clamor was raised against Livingston; and even force was used to put a stop to his works. But these obstacles were finally overcome, and Livingston proceeded to erect a levee. It having been decided that the city had no title, the lawyers suggested the setting up a title in the United States, by virtue of an alleged old French law giving alluvions to the crown. This ground was taken before the Territorial Court as a reason for a new trial. Being overruled there, without any notice to Livingston, an application, seconded by Governor Claiborne, and supported by legal opinions, was made to Jefferson, who was called upon to interfere on behalf of the citizens, deprived of their rights, as it was said, by the chicanery of a speculator and the partiality of the court. 1809.

In the presidential contest between Burr and Jefferson, Livingston had been more than suspected of lukewarmness. His default at New York had brought some discredit on the administration from which he had received his appointment. His conduct at New Orleans, especially in the Burr and Wilkinson affair, had not been satisfactory. Jefferson, indeed, had more than once denounced him as an unprincipled speculator, if not a secret conspirator. It would have been proper enough, under the circumstances, to have directed a suit against Livingston to test the title of the United States to the batture. But Jefferson was afraid of courts, and the method which he adopted was very different. With a view to prevent settlements under grants of the Mississippi land companies, an act had been passed just before

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this application (March 3, 1807), authorizing the president to remove by force any persons who, subsequently to the passage of that act, and previous to the regular adjudication of their claims, should undertake to settle, under color of title, upon any lands ceded to the United States. Fortified by a hasty and very brief opinion of Attorney-general Rodney, Jefferson undertook to apply this act, of very doubtful constitutionality at best, to Livingston's case, to which, for several reasons, it could have no application; and under one of its provisions, he issued an order (January, 1808) to the United States marshal for the District of Orleans to dispossess Livingston of the batture, and, if necessary, to call out the posse comitatus to do it. Informed of this order, Livingston applied to the Territorial Court for an injunction to restrain the marshal, which was readily granted. But this injunction the marshal, with the usual insolence of executive officials supported by the direct orders of their principals, wholly disregarded. Three regiments of militia were paraded, Livingston's workmen were driven off by force, and the rising waters of the spring inundation soon leveled and swept away his dikes.

Hoping by explanations to persuade the president to restore the possession of which he had been thus arbitrarily stripped—an act for which Jefferson received the formal thanks of the Territorial Legislature—Livingston hastened to Washington. Before his arrival, Jefferson had communicated to Congress (March 9) a very characteristic account of his late proceedings. In calling attention to sundry lots of land in the city of New Orleans, reserved by the former government as sites for public offices, hospitals, markets, magazines, &c., he referred also, as if incidentally, to a parcel called the batture, adjacent to the suburb St. Mary, used immemorially by

the city, but lately claimed by a private citizen. "The title had been adjudged not to be in the city; and it being alleged that the United States had a claim to it, measures had been taken, according to law, to prevent any change in the state of things, and to keep the ground clear of intruders!" Such was Jefferson's smooth account of the forcibly stripping a citizen of the United States, under color of executive authority, of a possession adjudged to be his by a court of final jurisdiction!

When Livingston reached Washington, Jefferson refused to see him, on the ground that he was about leaving for Monticello, referring him to the public offices for information. It was, however, only with the utmost difficulty that he succeeded in obtaining a copy of Rodney's opinion, or any statement of the grounds of the extraordinary proceedings against him.

Finally, having lost all hopes of executive reparation, he appealed to the public in an indignant pamphlet, but without the confidence, as he remarked, "which the goodness of his cause, and the extraordinary character of the proceedings against him ought to inspire." Being obliged, though addressing no political party, to arraign the first magistrate of the Union, he could not but alarm that "blind spirit of attachment which, adopting the maxims of English prerogative, will not for a moment admit that a popular leader can be guilty of wrong, and accords impunity to a president of the United States for acts that would shake the throne of an hereditary monarch." Nor was this lack of confidence by any means unfounded. To Livingston's application at the late session of Congress for redress, the only answer had been the report of a committee that the president had acted by Rodney's advice. Like applications, repeated during the next four sessions, were equally unsuccessful. Mean-

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while, however, confiding more in the courts than in Congress, the indefatigable Livingston had commenced two suits, one against the marshal who had dispossessed him, to recover possession of the batture; the other against Jefferson himself, for damages. The suit against Jefferson was finally (1811) decided in his favor on the merely technically ground that a suit for trespass on lands in Louisiana, being an action local in its nature, could not be maintained in the District of Virginia. The suit against the marshal was at first suspended, on the representation of the district attorney that the United States were the real party in interest. On this ground, under cover of a doctrine derived from the common law, and zealously maintained by the sovereign democracies of America, that the sovereign can not be sued by a subject, an attempt was made to deprive Livingston of all remedy for the violent dispossession he had suffered. But the Supreme Court at Washington, being applied to by Livingston, issued a mandamus to the District Court to proceed with the hearing, and as neither the marshal nor the United States had the slightest pretense of title to the batture, Livingston at last recovered possession. Though ultimately obliged, owing to defects in the title of the person from whom he purchased, to surrender three fourths of it to other claimants, yet such, meanwhile, had been its increase in value, that from the part remaining to him, he realized, in the end, a handsome fortune, besides discharging his indebtedness to the government.

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MADISON'S INAUGURATION. NEW ENGLAND AND NEW YORK. PENNSYLVANIA. OLMSTEAD AFFAIR. ERSKINE'S ARRANGEMENT. ELEVENTH CONGRESS, FIRST SESSION. BRITISH REFUSAL TO RATIFY ERSKINE'S ARRANGEMENT. NON-IMPORTATION FROM GREAT BRITAIN RENEWED. JACKSON'S MISSION TO THE UNITED STATES. PERILS OF AMERICAN COMMERCE.

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FOLLOWING the precedents already established, Madison took the oath of office in the Hall of the Representatives, in presence of the Senate, the members of the late House, the heads of Departments, the foreign ministers, and an assemblage of citizens. According to a courtly account of the ceremonies in the National Intelligencer, he was dressed "in a full suit of cloth of American manufacture, of the wool of merinoes raised in this country, his coat from the manufactory of Colonel Humphreys, and his waistcoat and small-clothes from that of Chancellor Livingston;" presents, respectively, from those gentlemen, whose zeal in the production of domestic woolens had received fresh impulse and had found several imitators since the late restrictions on the importation of British cloths.

The inaugural address acknowledged the difficult crisis of affairs, the more striking by its contrast to the extraordinary commercial prosperity of preceding years, enhancing the responsibility, but, at the same time, the honor also, of the presidential office; a crisis as to which the new president did not hesitate to assert that it was

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not to be charged to any unwarrantable views, nor even to any involuntarily errors in the public councils, but wholly to the injustice and violence of the belligerents.

Robert Smith, giving up his former office of Secretary of the Navy to Paul Hamilton, lately governor of South Carolina, was appointed Secretary of State; a selection which excited some surprise, but which was probably intended to conciliate his brother, the senator, one of the most decided and influential opposers of Madison's nomination. Dearborn, Jefferson's Secretary of War, had been appointed, just before the close of the late session, collector of the port of Boston, very much to the dissatisfaction of Pickering and Quincy. Pickering had charged upon him, while the nomination was under debate, undue and illegal allowances and advances to General Wilkinson. Quincy had alleged that General Lincoln, though unable, through sickness, to perform the duties of collector, and wishing to resign, had yet been retained in office for a year or more, on purpose that the place might be kept open till Dearborn was ready to take it. He had even wished to make this procedure a ground of impeachment against Jefferson; but, notwithstanding an elaborate speech, had obtained no vote for it but his own. Dearborn's place as Secretary of War was given to Eustis, also of Massachusetts, during the Revolutionary war a surgeon in the army, and since, for one term, a representative from Boston. The treasury department still remained under the control of Gallatin.

Among the last official acts of Jefferson had been a message to the Senate, suggesting the disposition of the Emperor of Russia to establish diplomatic relations with the United States, and nominating, as minister to that court, Short, formerly in the diplomatic service as minister to Holland and Spain. Since his recall from Spain,

Short had resided at Paris; and already, previous to the meeting of Congress, Jefferson had sent him a commission as minister to Russia. The Senate, however, acting upon Jefferson's own former policy, and under the idea that no such mission was needed, had unanimously rejected this nomination. That mission was now again urged by Madison, with the substitution as minister of John Q. Adams in the place of Short; but the Senate still refused a confirmation, 17 to 15. CHAPTER XXII. 1809.

Just before the termination of the late Congress, the Massachusetts Legislature, on concluding their session, had put forth a strong address to the people. Repeating their objections to the policy of the administration, they declared themselves unable to find any satisfactory solution of it "but in an habitual and impolitic predilection for France." "Without pretending to compare and adjust the respective injuries received from the two nations, it can not be disguised," so the address continued, "that in some instances our nation has received from Great Britain compensation, in others offers of atonement, and in all the language of conciliation and respect; while from France our immense losses are without retribution, and our remonstrances are neglected with contemptuous silence, or answered with aggravating insult. While hostility with Great Britain would expose our country in every vulnerable point, and afford no hope of honor or indemnity, a war with France would not be very different from the only state of peace which she is disposed to maintain. Under these circumstances, can it be contended that the policy is either just or wise which would dictate either open hostility against Great Britain, or a series of irritating measures tending to that?" March 2

This report suggested, as an indispensable means toward a better and more equal administration of the gov-

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ernment for the future, an amendment of the Constitution, to deprive the Southern States of their slave representation; also other amendments, not particularly specified, "to secure commerce and navigation from a repetition of invidious and destructive theories." It was, however, with the Eastern people themselves that every efficient plan of redress must originate. Union was the first thing to be aimed at. "While the advocates for British war and the contemners of commerce can calculate upon your divisions, they will advance in their mad and presumptuous course, and rely upon your governors and your representatives to neutralize your opposition to their measures. But when they perceive that you are prepared to break the chain imposed by a fatal and mistaken policy, and that all the constituted authorities of New England are united in sentiment and purpose; when they are sensible that you are able to resist, and that self-preservation will make resistance a duty, they will reflect upon your claims, and yield to the justice of your pretensions. They will feel that the confederation is intended for the general welfare, and that only by paying some regard to this object can we maintain that union which common interests should make perpetual. This happy result may be expected when New England, faithful to her true interests, shall speak with one voice, and exclude from her councils those who, from misapprehension of those interests, or from any other cause, are advocates for the present destructive system. Then, and not till then, will a temper of mutual accommodation begin to display itself in the measures of government, and a steady, dignified conduct shield the nation from foreign and domestic dangers. The Congress of the United States will no longer be the theater of base contentions and sanguinary threats. The spirit of pri-

vate combat will no longer be the test of public spirit; and the denunciations of vanity and inexperience will cease to be vented against powerful members of the common union. CHAPTER XXII. 1809.

"Nothing less than a perfect union and intelligence among the Eastern States can preserve to them any share of influence in the national government. Without influence, they can expect no regard to their interests, but are exposed to the effect of a policy whose object will be to secure power and office with a view to local and personal aggrandizement, and to make them colonial governments, subject to the worst form of domination, that of one member of a confederacy over another. Indeed, the present state of our connection is not far from that condition. The late election of representatives to Congress, and the vote for president, plainly demonstrate the disapprobation of the present system by a great majority of the Eastern people. Mr. Madison, who was known to favor it, had not a vote in those states except in Vermont, and recent elections there afford evidence that at this moment he would have none. On the other hand, in the Southern States, from the artificial popularity of this fatal system, his majority has been triumphant. The same division is apparent in Congress. The known wishes of the Eastern States have been not merely neglected, but rejected with threatenings and contempt. Politicians of yesterday, from the backwoods and mountains, vie with each other in the language of insult and defiance; and the men whom you delight to honor, and the great majority of those who have the deepest interests at stake in the welfare of the country, are stigmatized as a corrupt and seditious part of the community. Even when those of your own representatives, who have encouraged by their

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countenance this presumptuous conduct, discovering their errors, are desirous to recede, repentance comes too late.

1809. Thus, under new names, but with the same views, the embargo system is still visited upon our unhappy country, in spite of the opposition of some of those who appear too late desirous of retrieving their country from ruin. Choose, then, fellow-citizens, between the condition of citizens of a free state, possessing its equal weight and influence in the national government, or that of a colony, free in name, but in fact enslaved by sister states!"

This energetic appeal was not without effect. In the

March 15. New Hampshire election, which soon followed, the Federalists not only carried both branches of the Legislature, but they succeeded also in beating Langdon, over whose head Jeremiah Smith, a lawyer of eminence, a member of Congress in Washington's time, was chosen as gov-

April. ernor. In Massachusetts, Gore was chosen over Lincoln by a majority of near 3000 in 93,000 votes. The Federalists also strengthened themselves in both branches of the Legislature. According to John Adams, in one of his Cunningham letters, "considerable pains had been taken"—it is not stated by whom—"to persuade John Quincy Adams to allow himself to be run as the Republican candidate." But to this both father and son were "utterly averse." "The office, though a precious stone," so the letter continued, "is but a carbuncle shining in the dark;" "a perfect state of slavery, the drudgery of it extremely oppressive;" "the compensation not a living for a common gentleman." Other reasons were, the necessity he would be under of resigning his professorship, and abandoning his legal practice; the "eternal separation" it would make between him and the Federalists; the little prospect of doing any good if elected;

and, what might have been conclusive in the first place, the necessity of running, not only against the Federal candidate, but in competition with Lincoln also, who would not withdraw, thus making the defeat of both certain.

Connecticut showed itself more Federal than ever. A Federal triumph in Rhode Island rendered the union of New England against the administration still more complete. Nor was this triumph of the Federalists limited to New England. In New York they carried a majority of the House of Assembly, though the Senate, of which the greater part held over, still remained in the hands of the Democrats. A like result occurred in Maryland, where, however, the Democratic Senate still securing to that party a majority on joint ballot, enabled them to choose Edward Lloyd as governor.

To this alarming increase of Federal strength was added the prospect of serious collision between the state authority of Pennsylvania and the Federal judiciary. This was the coming to a head of an old controversy—older, indeed, than the Federal Constitution—to understand which, it will be necessary to go back for a moment to the time of the Revolutionary war. During that war, the British sloop Active had sailed from Jamaica, bound for New York, with stores for the British army. Among her crew were Captain Gideon Olmstead and three other Connecticut men. Having been taken prisoners at sea and carried into Jamaica, they had been compelled or persuaded to enter as sailors on board the Active; but when off the Capes of the Delaware, had contrived to close the hatches on the rest of the crew, fourteen in number, took possession of the sloop, and made for Little Egg Harbor. Two days after, while still standing for that harbor, the Active was boarded by the brigantine Convention, a Pennsylvania state cruiser,

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having in company the privateer Girard, cruising with her, on an agreement of equal shares in all captures. The Active was taken possession of, and all three vessels having proceeded to Philadelphia, the prize was libeled in the state court of admiralty. A claim was put in by the two cruisers on whose behalf it was alleged, that when they fell in with the Active the capture was not complete, the struggle for possession of the vessel with the men confined below being still undecided. Under the provisions of the state law, the case was referred to a jury to settle the facts, and on their finding, the court decreed one quarter of the prize to the crew of the Convention, one quarter to the State of Pennsylvania, as owner of the Convention, one quarter to the Girard, and the remaining quarter only to Olmstead and his compan ions. Considering this decree partial and unjust, they appealed to Congress, and a hearing being had by the Committee of Appeals, the decision was reversed, and the whole prize awarded to the Connecticut men. But to this decision the judge of the Pennsylvania court re fused to conform, on the ground that, by the Pennsylvania act, the finding of the jury was conclusive as to the facts. He therefore directed the prize to be sold, and the money to be paid into court to await his further order, which was accordingly done, in spite of an injunction from the Congressional committee to the marshal of the court prohibiting any such sale. The committee laid the matter before Congress, by whom their right to reverse the decision of the state court was fully sustained, Pennsylvania alone voting in the negative. The Pennsylvania Legislature was then requested to appoint a committee of conference on the subject; but, instead of doing so, they authorized the judge of the state court to pay over the proceeds of the Active, which had been invested in certificates of Federal debt, according

to his original decree. Under this authority, Rittenhouse, then state treasurer, received a quarter part of the certificates, giving his bond to the judge to hold him harmless as to other claimants. Rittenhouse settled his accounts as treasurer in 1788, and resigned the office, but still retained these certificates as indemnity against the bond he had given; and when the Federal debt was funded, had caused them to be funded in his own name, but for the benefit of those whom it might concern. Rittenhouse having died in 1801, his three daughters, executrices of his estate, were called upon by the state treasurer to deliver the certificates to him, and to pay over the accrued interest; but as suits were still pending on behalf of Olmstead in the state court to recover this money, they had refused to do so. That court finally declined to interfere, on the technical ground that this, being an admiralty matter, was not cognizable in a court of common law; M'Kean, then chief justice, also expressing an opinion that the Congressional Court of Appeals had no power to reverse the finding of the jury.

Meanwhile, the Supreme Court of the United States had decided that, upon questions of prize, the Federal courts were successors to the old Continental tribunals; and upon the strength of this decision, an application was made by Olmstead, after his failure in the state court, to the District Court of Pennsylvania, to compel the executrices of Rittenhouse to pay over to him the certificates and accumulated interest in their hands, amounting now, in the whole, to $15,000. Such a decree was accordingly made (1803), to counter-work which, at the instigation of M'Kean, then governor, the Pennsylvania Legislature passed an act requiring the executrices of Rittenhouse to pay over the funds in dispute to the state treasury; pledging the faith of the state to hold them

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harmless in person and property for so doing. The executrices having paid over accordingly, the matter rested

1809. for some time, the district judge not choosing, without superior authority, to take the responsibility of coming into conflict with the state. But after four years consumed in vain negotiations, an application was finally made, on Olmstead's behalf, to the Supreme Court of the United States, for a mandamus or order to the judge of the District Court to proceed to carry his decree into execution. The Supreme Court had repeatedly decided that the old Continental Admiralty Court of Appeals had the power to disregard the verdicts of juries in the court below, though made final and conclusive by state law; and after cause shown by the district judge for his delay hitherto, they awarded a peremptory mandamus, as asked for.

Feb. 23 To the Pennsylvania Legislature, then in session, Governor Snyder had given notice of this procedure, and that the process to be issued in consequence by the District Court was an attachment or order to the marshal of the United States to arrest the persons of the executrices, and to hold them as prisoners till they paid over. This process, it was his duty, under the act of 1803, pledging protection to the executrices in person and property, to resist; and he accordingly stated his intention, which

March 2. the Legislature sanctioned and approved, to issue an order to General Bright, of the Philadelphia militia, to have in readiness a sufficient force to prevent the marshal from serving this process. The Legislature, joining with the governor in lamenting the necessity of this collision, authorized him to correspond on the subject with the president of the United States; and they also recommended an amendment of the Federal Constitution, to provide a special tribunal for deciding such cases of conflicting authority.

A few weeks after Madison's accession, in obedience to the mandate of the Supreme Court, the district judge issued his attachment; but when the marshal went to serve it, he found the houses of the respondents protected by an armed guard, who resisted his entry into the house by pointing their bayonets at his breast. It was in vain that he read his commission and warrant, adding a speech on the duty of obedience, and the necessity he was under of executing his process at all hazards. Neither his commission nor his eloquence had any effect on Bright and his militia, who again presented their bayonets when he attempted the second time to enter the house. Thus resisted, he withdrew for the present, fixing that day three weeks for the service of the warrant, to aid in which he presently summoned a posse comitatus of two thousand men.

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Alarmed at this symptom of determination, the Legislature, still in session, opened a door for retreat. In a new act, they still insisted on the right of the state; but "as sundry unforeseen difficulties" might arise in the way of enforcing it, and as the state was bound to protect, at all events, the person and property of the executrices, they appropriated $18,000 to meet contingent expenses, and otherwise to be used "as to the governor might appear advisable and proper."

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This act, together with the recent resolutions of the Legislature, Snyder inclosed to the president in a letter avowing warm admiration of his character and attachment to his administration, and deeply deploring the present collision, but expressing, also, a belief that Madison understood the Constitution too well, and had too great a regard for state rights, not to discriminate between opposition to the laws and Constitution of the United States, and resistance to the decree of a judge,

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founded, as was conceived, on a usurpation of power and jurisdiction not delegated to him either by the Constitution or the laws.

How Jefferson might have acted in this case, considering his extreme jealousy and dislike of the Supreme Court of the United States, and, indeed, of all courts—as witness his late interference in Livingston's batture case—it is not so easy to say. Madison, unless when warped by party necessities, had always been a Federalist in his Constitutional opinions; and the late resistance encountered by the embargo in New England, had converted the whole body, even of the most ultra Democrats, to very wholesome, if not, indeed, somewhat too ultra views as to obedience to authority, and the sacredness of judicial decisions. To Snyder's letter, Madison replied that the executive of the Union was not only unauthorized to prevent the execution of a decree of the Supreme Court, but was specially enjoined by statute, whenever any such decree was resisted, to aid in its enforcement. And he congratulated the governor that the late act of the Pennsylvania Legislature had made a provision so adequate to the removal of the difficulty, to which, he doubted not, effect would be given in a spirit equally patriotic.

Philadelphia, meanwhile—the inhabitants being about equally divided between adhesion to the state and to the United States—was all on tiptoe, expecting, though nobody believed that blood would really be shed, a sort of mock civil war in the streets. But the marshal, wisely

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preferring stratagem to force, shortly before the day appointed for the array of his posse, by connivance, as was suspected, obtained access, through the back windows, to the house of one of the executrices, and having taken her into custody, held her as a prisoner there. Instead

of attempting a rescue by force, according to Jefferson's example in the batture case, a writ of habeas corpus was presently obtained from Chief-Justice Tilghman. The marshal, producing his prisoner, justified his arrest under his warrant of attachment, and the disputed question of authority thus removed from the arbitrament of bayonets, was referred to a state tribunal. The case was argued with great warmth by Franklin, Snyder's new attorney-general, assisted by Jared Ingersoll on the one side, and by Dallas, the district attorney, with whom was Lewis, on the other. On behalf of the state, it was contended not only that the original decision of the Continental Court of Prize Appeals was void, but that the proceeding of arrest being in substance, though not in name, a process against the State of Pennsylvania, whose mere trustees the executrices were, was contrary to the amendment of the Constitution protecting states from the suits of individuals. The chief justice, in giving his decision, held distinctly, in accordance with the doctrine recently set up in Massachusetts, that if the District Court had no jurisdiction, he should have a right, and it would be his duty, to discharge the prisoner. "The United States," he said, "have no power, legislative or judicial, except what is derived from the Constitution. When these powers are clearly exceeded, the independence of the states and the peace of the Union demands that the state courts should, in cases properly brought before them, give redress. There is no law that forbids it; their oath of office exacts it; and if they do not, what course is to be taken? We must be reduced to the miserable necessity of opposing force to force, and arraying citizen against citizen; for it is in vain to expect that states will submit to manifest and flagrant usurpations of power by the United States, if (which God for-

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bid!) they should ever attempt them." "But while I assert the power of state courts, I am deeply sensible of the necessity of exercising it with the greatest discretion. Woe to that judge who rashly and wantonly attempts to arrest the authority of the United States! Let him reflect again and again before he declares that a law or a judgment has no validity."

Having thus sustained his jurisdiction of the case, the chief justice laid down, as the basis of his decision, the well-established principle that, in all disputes as to the validity of laws and judicial proceedings, where there is reasonable cause for doubt, that doubt should be decisive in favor of the law or decision called in question. It being well settled and agreed on all hands that the Federal courts were successors to the Continental admiralty jurisdiction, the validity of the decree of the Continental Court of Appeals was a question exclusively for them, with which he had no right to meddle. As to the other point, the inconvenience would be very great if a plaintiff, by substituting a state officer as a defendant in place of a state, might compel that state to abandon its property, or to contest it in the courts of the United States. In a case so circumstanced, the argument would be very strong against the jurisdiction of the Federal courts. But he could not say, from the facts in evidence, that this was such a case, or that the property in question was not in the hands of the executrices as stake-holders, and not as trustees for the state; and, on that ground, he remanded the prisoner to the custody of the marshal.

Snyder eagerly took advantage of this decision to retreat out of the disagreeable position in which he had placed himself. Leaving the blame of the surrender of state rights to fall on the chief justice, and acting on Madison's hint, on the ground that he must protect the

persons of the executrices at any rate, he paid over the money in dispute to the marshal, out of the appropriation which the Legislature had placed in his hand.

But this did not end the matter. Warrants had already been issued against Bright and his men, who were indicted, and tried before the Circuit Court of the United States, Judge Washington presiding, for resisting the service of process. The prisoners were defended by Franklin and Ingersoll, not only on the points taken before Tilghman, but on the additional ground that, as soldiers, they were bound to obey the governor's orders, for which he was responsible, and not they. There was no dispute as to the facts, and the case went to the jury on the law only, on all the points of which Washington expressed an opinion unfavorable to the prisoners. After being out several hours, the jury came into court, and stated that they never should agree. They added, also, as reasons for discharge, that one of their number had been seized with fits, and that another was much indisposed. Washington directed the marshal to procure medical attendance for the sick, and such other assistance as might be necessary; but as the jury did not complain that their consciences were afflicted with any doubts as to the facts, or that they wanted any further explanations as to the law, he refused to discharge them. After being kept together for three days and nights, they finally agreed upon a special verdict, that the defendants had resisted the marshal knowingly and wilfully, as alleged in the indictment, but that they did it under authority of the State of Pennsylvania; and on these facts they left it to the court to say whether the prisoners were guilty or not. Thereupon the court pronounced them guilty, and, after a suitable admonition from the judge, Bright was sentenced to three months' imprisonment

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and a fine of $200, and the men to one month's imprisonment and a fine of $50 each; but these penalties were shortly after remitted by the president, on the ground that the defendants had acted under a mistaken sense of duty. On their release from prison, they were honored by the mayor and Democratic citizens of Philadelphia with a public dinner, at which was read a letter from Governor Snyder, highly complimenting the general and his men for their "manly, dignified, and patriotic conduct in defending the just rights of the state against judicial usurpation." But an attempt, subsequently, in the Legislature to vote them a pecuniary acknowledgment and indemnity did not succeed.

Leib, who had secured a seat in the Senate of the United States, and Duane, of the Aurora, though very active in promoting Snyder's election, finding that he did not choose to be governed by them, but listened rather to the advice of Boileau, whom he appointed Secretary of State, and of William Findlay, the state treasurer, had already begun to assail him as under the influence of men without character, talent, or capacity; and in this controversy with the Federal judiciary, the Aurora had taken strong ground against him. Hence a new and very fierce quarrel among the Pennsylvania Democrats, which, however, did not extend much beyond the city and county of Philadelphia.

The Snyder men, in possession of power and patronage, soon forgot their zeal for a new Constitution, of which very little more was heard. But they carried into effect their favorite scheme of the substitution, at the will of either party, of an arbitration instead of a jury trial; a change, however, which hardly produced the expected result of diminishing the cost of lawsuits.

Another act of the Pennsylvania Legislature, with

special view to certain pending prosecutions set on foot by M'Kean, exempted from indictment any publications examining into the doings of the Legislature or of any public officers; but this act, having performed its special office, was suffered to expire at the end of three years, according to a limitation inserted into it. An act, growing out of the late impeachments, restricted the power of judges to punish for contempts to cases of official misconduct, neglect or disobedience of process, or misbehavior in presence of the court—the matter of publications out of court being referred to the ordinary process of indictment; a judicious restriction since adopted by Congress in reference to the Federal judges.

But the chief glory of this Legislature was an act, the first passed in Pennsylvania, toward carrying out the injunction of the Constitution that poor children should be taught gratis. All children between the ages of five and twelve, whose parents should report themselves unable to pay for their education, were authorized to attend the most convenient neighboring school at the public expense. This necessity, however, for a confession of poverty, and this creation of two classes of scholars, were serious impediments to general education, which yet remained, for many years, very insufficiently provided for—a negligence of which Pennsylvania, and indeed the whole Union, still feels the consequences.

Meanwhile, the secret negotiation with Erskine, on which the president so much relied to deliver himself and the country from pressing embarrassments, had been brought to an apparently happy conclusion. In letters to Canning, dated at the beginning of the previous December, Erskine had given an account of various interviews between himself, Madison, Gallatin, and Smith, in

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which Madison and the two others, so Erskine stated, had made the strongest protestations of amicable feelings toward England, and disposition for a good understanding. Madison had suggested, however, that the issue of the British orders in council, before it was known whether the United States would submit or not to the enforcement against them of the Berlin decree, had rendered it impossible, as things stood, to discriminate between the two belligerents; and that, to lay the ground for taking sides with the British, which he was desirous to do, some concessions must be made. Gallatin, apparently chief mover in this business, and whose scheme it probably was, called Erskine's attention to the marked contrast between the dispositions of Madison and Jefferson toward the British nation. Madison was well known, so Gallatin said, as an admirer of the English Constitution; he was entirely free from enmity—in fact, he was well disposed toward Great Britain, and frequently spoke with approbation of British institutions, energy, and spirit. Jefferson, on the other hand, always took up French topics, always praised France and the French, and never lost an opportunity to show his dislike of every thing British. To this contrast between Jefferson and his successor that was to be, Gallatin freely added his own opinion that all schemes of non-importation from Great Britain were injurious to America, and his disposition, could the present difficulties be arranged, to put the future intercourse of the two countries on a footing of entire reciprocity. He was even understood by Erskine to intimate that Jefferson had been partial to France; though, when these dispatches came to be published, Gallatin denied having intended so to express himself. After these preliminaries, Erskine's attention was called to the proposal, by the Committee on Foreign

Relations, of a non-importation as to both France and England, and of the exclusion of all belligerent ships of war from American ports. The inequality which the British government complained of in the special exclusion of certain English manufactures and of British ships of war would thus be got rid of; for both the belligerents would be placed by the proposed act on the same footing. Gallatin suggested the removal of another obstacle to the settlement of existing disputes, by a law excluding foreign seamen from American vessels—a subject which Giles had brought forward in the Senate, not, however, at this time with any positive result. Gallatin further stated that the American government intended to abandon all claims to carry on with the colonies of belligerents, during war, any trade not allowed in time of peace; but this, according to subsequent mutual explanations between Gallatin and Erskine, referred not to the direct trade from the United States and back, but entirely to the trade between those colonies and Europe. Such were the overtures which Erskine readily undertook to communicate to Canning, in hopes of authority to negotiate some definite arrangement. 1809.

On the arrival of the orders of December 21st, already referred to, taking off the tributary duties and prohibiting re-exportation, with news, also, which came by the same packet, of Admiral Berkeley's appointment to a new command, Madison, Gallatin, and Smith, in new interviews with Erskine, again urged the necessity, no answers to the dispatches of December being yet received, for some concession on the part of Great Britain, as essential to lay the foundation for retaliatory measures against France. Madison, indeed, expressed the greatest vexation that no reply had yet been received to the late overtures, and that no change seemed likely to take place March 16.

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before the meeting of the new Congress; thus reducing the administration to the alternative, since the non-intercourse system could scarcely be maintained, of quietly submitting to the decrees and orders, or of adopting the Quixotic scheme to which they were, in a manner, pledged, of simultaneous hostilities against both belligerents.

Such was the uncomfortable position of the American cabinet, when Canning's answers to Erskine's dispatches of December arrived. Though he could see, so he had written, neither in the acts of the government nor in the debates of Congress, any symptoms of the favorable change suggested by Erskine, he had yet sent, conformably to that suggestion, new instructions, in two separate dispatches of the same date (Jan. 23), one relating to the affair of the Chesapeake, the other to the orders in council.

April 19.

Erskine was authorized, the equal exclusion of French ships of war from the American waters having first been carried into actual effect, to tender the same reparation for the attack of the Chesapeake with which Rose had been formerly charged: a renewed disavowal of Admiral Berkeley's orders, the restoration of the men taken from the Chesapeake, and a suitable pecuniary provision for the widows and children of the killed, excluding, however, from this provision, the widows and children of British deserters. The right was also to be reserved to claim as deserters any such of the seamen to be surrendered as might prove to be British-born subjects. The Americans were expected, in return, to disavow Captain Barron's retention of British deserters on board his ship, and his denial that he had any on board; also, any outrages committed in consequence of this affair on the persons or property of British subjects; and to engage not to countenance any of their agents in en

couraging desertions from the British army or navy. Since, however, this matter of desertion was to be provided for by a separate act of Congress, to simplify matters and to prevent the revival of fruitless controversy, the British government would agree to waive any claim for retrospective disavowals, if the American government would be content to receive back the men as the simple and single act of reparation; to which the British government would be willing to add, as an act of "spontaneous generosity," a suitable provision for the widows and orphans. But Erskine was specially charged to refuse (should it be demanded) any mark of displeasure toward Admiral Berkeley, beyond that already manifested in his recall—an instruction made, indeed, imperative by Berkeley's late reappointment, already mentioned, to a new and more honorable command.

In the other dispatch, Canning offered to recall the orders in council of January and November, 1807, so far as related to the United States, on three conditions: First, the repealing as to Great Britain, but the keeping in force as to France and all countries adopting her decrees, so long as those decrees were continued, all-existing American non-importation and non-intercourse acts, and acts excluding foreign ships of war. Second, the renunciation by the United States, during the present war, of any pretensions to carry on any trade with the colonies of belligerents, not allowed in time of peace. Third, the allowing British ships of war to enforce by capture the American non-intercourse with France and her allies. This last condition had lately been mentioned by Pinkney as one to which the American government would have no objection; so Canning stated; though Pinkney afterward assured his government that he must have been misunderstood.

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Should these three conditions be distinctly conceded, Canning promised to lose no time in sending a minister to America, fully empowered "to consign them to a formal and regular treaty." But as it was possible that this delay might appear to the American government to deprive the arrangement of a part of its benefits, should they desire to act upon it before its formal reduction to a treaty, either by an immediate or a prospective repeal of the embargo and other restrictive acts, Erskine was authorized to agree that corresponding steps should be taken by Great Britain, in the way of exempting the United States from the operation of the orders in council. Where the idea of this provisional arrangement originated, whether with Canning, with Erskine, or in the suggestions made to him, does not distinctly appear. That Canning intended a frank and straightforward proceeding is obvious from the option allowed to Erskine to exhibit to the American government this entire dispatch. That Erskine did not do; but the three conditions above stated were communicated to the American cabinet.

Hard and humiliating as the two latter conditions were, the adroit and ingenious Gallatin, the supple and accommodating Madison, did not despair; while Erskine, esteeming an accommodation to be not less for the advantage of Britain than America, and supposing that his government would be wisely content with actual concessions, and disposed to aid the American administration in saving appearances at home, was very well inclined to considerable latitude in dispensing with the letter, while he adhered to what he esteemed the substance of his instructions. He did not suppose, so he afterward stated, in reply to Canning's strictures on his conduct, that the conditions demanded of the American government—conditions, in fact, beyond their power to pledge in terms,

since they could not be answerable for the action of Congress—must be complied with in one particular manner only. Taking it for granted that the professed object of the orders in council was the real one, he felt himself authorized to depart from the literal tenor of his instructions in order to secure the co-operation of the American government in carrying out the system of retaliation upon France in a manner most compatible with their delicate position at home, and most agreeable to their feelings and those of the party of which they were the organs. He inclined to give the same liberal construction to the dispatch respecting the affair of the Chesapeake; placing his chief reliance, as he stated, in both cases, "on the well-known liberality of his majesty in appreciating the conduct of his servants;" conceiving, also, that meanwhile no injury could follow from this, as he described it, "conditional agreement."

Whatever Madison and Gallatin might afterward have chosen to assert; and however they might have dwelt on the apparent confidence of Erskine in his authority—a confidence, it is not unlikely, stimulated by themselves—it is by no means improbable that statesmen so cautious and experienced as they, had, in fact, less confidence than the youthful British minister as to the extent of his powers, and the probable ratification of his acts. Yet, as the arrangement thus entered into, whether precisely conformable to Erskine's instructions or not, was one by which Great Britain gained the point of placing America in a hostile position toward France; at the same time securing the re-establishment of a commercial intercourse not less beneficial to her than to the United States; while the American government, dropping entirely the impressment question, coercion as to which had been the main object of the embargo, gained

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nothing except a release from that precipitate blunder and its sequences; under these circumstances, they might well have supposed that an arrangement so favorable to the British nation would be ratified, whether the negotiator had precise powers to make it or not.

April 19.

That arrangement, as matured after a fortnight's discussion, was announced to the public in three pairs of notes (dated April 17), published in an extra National Intelligencer, along with a proclamation by the president announcing the cessation of the embargo and non-intercourse as to Great Britain and her dependencies after the 10th of June—news which, as it spread throughout the Union, carried to all the seaport towns the greatest joy and exultation.

Erskine's first note, after referring to the late exclusion of all belligerent ships of war from the harbors of the United States, as having removed an obstacle to the settlement of the Chesapeake affair, offered, by way of reparation for that outrage (in addition to the prompt and now renewed disavowal of the act by the British government, so soon as the news reached them, and the recall of Admiral Berkeley, as a mark of displeasure, from a highly important and honorable command), the restoration of the men taken from the Chesapeake, and, if acceptable to the American government, "a suitable provision for the unfortunate sufferers on that occasion" —this latter provision, by a slight deviation from the instructions, being made to appear as a part of the reparation tendered, and not as an act of "spontaneous generosity" on the part of the British nation.

Smith's answer in accepting this proposition, as if to save the dignity of the American government, alleged, what was true in fact, but false as to the inference intended, that the provision for excluding all belligerent

ships of war was "a result incident to a state of things growing out of distinct considerations." It was also most ungraciously added, that while the offered reparation was accepted without insisting on a further punishment of the offending officer, "the president was not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what was due from his Britannic majesty to his own honor." This growl of dissatisfaction, inserted, as Smith afterward alleged, against his remonstrances, and by Madison's express direction, whatever consolation it might give in America, was not well calculated to secure a ratification in England. In fact, Erskine was afterward severely censured for having consented to receive and transmit a note in which such expressions were contained; to which he replied by protesting that, although he had endeavored to procure a modification of these expressions, yet that he had not imagined that any thing disrespectful was intended; and in substance, that he thought it better to pass over this little ebullition of feeling than to make it the occasion of protracting the settlement. The Tory ministry, however, did not think so; and they again repeated the not very creditable act of withholding reparation for an acknowledged and admitted wrong, on a mere objection of etiquette to the subsequent conduct of the injured party—a procedure, especially by a powerful nation toward a weak one, not to be commended as either just or magnanimous.

In Erskine's second note, he announced a determination, on the part of the British government, in consequence of the anticipated passage of the recent non-intercourse act, to send an envoy extraordinary to the United States, vested with full powers to conclude a treaty on all the points of dispute between the two nations, and

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the willingness of the British government to withdraw, in the mean time, the orders in council of January and November, 1807, in the persuasion that the president would issue a proclamation for the renewal of intercourse with Great Britain, "and that whatever difference of opinion might arise in the interpretation of the terms of such an agreement would be removed in the proposed negotiation." Smith, in his reply, closed at once with this proposal; and the third pair of notes was devoted to the settlement of its details.

In his explanatory dispatch to Canning, Erskine excused the omission of any reference to the colonial trade on the following grounds: He knew that the condition as to that trade would be acquiesced in, not only from the declarations made to him by the members of the government, but from the "universal opinion" of the influential members of Congress, that the principle was equitable in itself, and one upon which Great Britain would always insist; but Smith had stated that objections existed to the formal recognition of it, except in connection with other commercial arrangements, and as part of a complete treaty of commerce; objections entitled to the more weight, and the more decidedly urged, as the formal concession would be, at this moment, of no practical consequence to Great Britain, no American commerce of any kind being allowed with the French colonies. To explain the omission of any reference to the third condition, he cited a remark of Smith's, that no formal provision of that sort would be necessary, since no American engaged in a commerce forbidden by the laws would venture to claim the protection or interference of his government. To such a claim, the only answer would be, an order to put in suit his non-intercourse bonds. Erskine added, as additional

reasons for having consented to the arrangement in the form in which it stood, the warm professions of friendship for Great Britain made by the American administration; the danger that a persistence in the orders of council might alienate the Eastern and commercial states, at present best disposed toward Great Britain; the existing doubtful state of the relations of France and America, as evinced by the communications from Smith as to the dissatisfaction of the French minister with the late Non-intercourse Act; and especially the circumstance that Congress was about to meet, as it were, for the express purpose of pointing their resistance specifically, if any ground of distinction could be found, against one or other of the offending nations. It was, indeed, natural that these considerations should weigh strongly with Erskine, a young man, in point of sagacity and liberal sentiments not unworthy of his illustrious father, and friendly toward America, as well from the circumstance of his having married there, as by the general policy of that political party to which he owed his appointment, but who, on those very accounts, was not so well qualified to act for and to represent the existing Tory ministry.

The most Anglicizing section of the Federalists exulted, somewhat prematurely, over this arrangement, as evidence of the extreme moderation and equity of Great Britain, and proof that it was nothing but the obstinacy and French predilections of Jefferson that had prevented an arrangement long before. The entire body of that party became at once very well disposed toward Madison, who was (somewhat ambiguously) complimented with having always been a Federalist at heart, and with assuming a Democratic mask to good purpose, since it had resulted in putting him in a position to rectify Jef-

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ferson's blunders. The larger portion of the Democrats, without looking very nicely at its terms, pointed to Erskine's arrangement as proof that Great Britain had felt the embargo, after all. "The lion crouches," so the Democrats exclaimed; yet there was not wanting a considerable faction to whom the idea of any arrangement with Great Britain was abhorrent, and who looked upon the recent proceedings with very little favor, as tending to an open rupture with France. Upon the commercial enterprise of the country, which had begun to revive simultaneously with the partial repeal of the embargo, the effect was electric. Within a few weeks after the issue of the proclamation, more than a thousand ships cleared for foreign ports. Yet, of those most pleased with the result of the president's proclamation, there were many who called its legality in question, as the Non-intercourse Act seemed to authorize such a step only after the actual repeal of the orders in council, and not in anticipation of a promised or expected repeal.

April 12.

About the time that the Erskine arrangement was entered into in America, the orders in council had undergone a new modification, designed to obviate some objections, and, at the same time, to accommodate them more exactly to the wants and wishes of the British shipowners and West India merchants, for whose benefit they had been originally imposed. Pinkney and the English opposition had complained that the blockade imposed by the original orders closed up both the Mediterranean and the Baltic, and extended to all Europe except Sweden, though there were several nations besides her which had not adopted the French decrees. Spain, indeed, had been already excepted, and the same exemption was now extended to the countries on the Baltic and North Sea, and to a part of those on the Mediter-

ranean, the blockade being limited, so far as related to Europe, to France, Holland, and Northern Italy. But, by a provision not contained in the original orders, the French and Dutch colonies were now placed under a similar blockade, thus favoring the British planters, by keeping French and Dutch colonial products out of the market altogether, and giving, at the same time, to the inhabitants of those colonies, a direct and strong pecuniary reason for wishing to be conquered by Great Britain. CHAPTER XXII. 1809

Such was the state of things when the eleventh Congress came together for its first and special session. The Federalists had gained a considerable number of members, not only in New England and New York, but also in the Southern States. A certain number of Democrats had also secured their election by Federal votes given to them as opponents of the embargo policy. Yet the Republicans still retained a decided majority. In the Senate, Giles took the lead for that party, assisted by Lieb, Crawford and Pope. Smith, of Maryland, also reappeared, under an executive appointment, which expired, however, on the meeting of the Maryland Legislature, whose inability to agree on a choice, owing to the different politics of the House and the Senate, left the seat unfilled. To the Federal senators in the last Congress a new one was now added from Rhode Island. In the House, the administration was badly off for leaders. Varnum, Findley, Macon, Eppes, Alston, Troup, and Richard M. Johnson, were hardly a match for Dana, Quincy, Gardinier, Key, and Livermore, the leaders of the Federalists, not to mention Randolph, who still formed a little third party by himself. At the first ballot for speaker there was no choice, the administration May 22.

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votes being somewhat sectionally divided between Macon and Varnum. Macon then declined, and, on a second trial, Varnum was chosen.

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May 23. After congratulations upon the favorable change in the relations with Great Britain, and a statement of the steps taking in consequence, the president suggested the adaptation of the existing commercial regulations to the recent arrangement with Erskine. At the same time, he referred it to the "just and prudent care" of Congress "to protect and foster," by additional legislation, "the several branches of manufacture" lately introduced or extended—a recommendation having, perhaps, quite as much in view the filling up of the treasury as the benefit of the manufacturers. He had already laid up the gun-boats, and discharged from liability of call the detached portions of militia, and the expediency was suggested of further military and naval retrenchment.

Randolph at once seized upon a topic so suited to his taste as that thus suggested to him. After a violent tirade, with many side-blows at Wilkinson, denouncing the old army as rotten to the core, and an unsafe depos-

May 24. itary of the sword of the nation, he proposed to disband the additional regiments, and to devote the balance of the appropriations, as well for them as for gun-boats, to a favorite project of his for arming the militia—a force, he thought, quite sufficient, if properly armed, for all military purposes. In the Northern States, especially in New England, the militia were armed already, and the Northern members, of all parties, continued to oppose an expenditure so exclusively for the benefit of the South. Randolph's proposition failed; but acts were passed suspending further enlistments for the new regiments, and authorizing the president to lay up a part of the ships in commission. A violent though unsuccessful opposition

was made by a section of the Democrats to an appropriation of $750,000 for fortifications, even though the call for it came from the Secretary of War.

Randolph took early occasion to warn his fellow-Republicans not to weigh themselves down by attempts to bolster up the dignity or save the reputation of the late administration, whose foreign policy he attacked with great vehemence. They should begin anew as though no such policy had existed. Jefferson's second term of office resembled, he said, the lean kine of Egypt, in having swallowed up all the fatness of the first. He followed up this assault by proposing a vote of thanks to the president for his promptitude and frankness in meeting the overtures of Great Britain. The majority saw no other way of getting rid of this resolution, censuring by implication, while it praised in terms, except to take the ground of the general impropriety of such sort of resolutions; but they could not succeed in getting it laid on the table till after several debates, in which the recent embargo policy was very severely handled, and the complete repudiation of it in the late Erskine arrangement abundantly pointed out.

May 26.

A motion by Lyon to subject to additional duties certain enumerated articles (the same of which the importation from Great Britain had been prohibited by the act of 1806), with the view to encourage their manufacture in the United States, though supported by Macon, Milnor, and Pickman, of Massachusetts, who now represented the Salem district in place of Story, was voted down, 56 to 49. A resolution, however, was adopted, calling upon the Secretary of the Treasury to report, at the next session, the state of domestic manufactures and a scheme for their encouragement. The standing Committee on Commerce and Manufactures, to whom had been referred

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the recommendation already quoted from the president's message, reported that, although upon this question of the protection of domestic manufactures a diversity of

June 21. opinion existed among men of science, yet, upon a review of the reports at former sessions on the memorials of particular manufacturers, the policy of giving the support necessary to withstand foreign competition, skill, and capital (avoiding, however, the danger of fastening oppressive monopolies on the community), seemed to have received the sanction of Congress and the assent of the country, at least so far as consent was implied by silence and acquiescence. In accordance with this policy, and with a view to secure a domestic supply of salt, the importation of which might be cut off by a war, they suggested an increase of duty to the extent of eight cents per bushel; and to promote the substitution (in place of India goods, then generally in use) of cotton cloths produced from domestic material, an addition of two and a half per cent. ad valorem to the already existing duty of fifteen per cent. on certain cotton goods. But no action was had on this report.

The leading measure of the session was a somewhat complicated act dropping the embargo provisions, and also the exclusion of foreign armed vessels, but continuing the non-importation system, with a proviso, legalizing the trade with Great Britain under the president's proclamation. This act passed with great unanimity, though not without some objections to the readmission of French ships of war, a concession to France contrary to the understanding with Erskine, and for which the administration leaders, when pressed upon it, were unable to give any good reason. It was intended, probably, as a sop to Turreau, the French minister, who had late-

June 14. ly addressed a very rude letter to Smith, reflecting se

verely upon the American government for having entered into the Erskine arrangement; accusing them of partiality to Great Britain; complaining very loudly of the freedom of the American press in commenting on France, her institutions, and "the sacred person of her august representative" (Bonaparte); specifically declaring that, until these grievances were redressed, especially the last, the emperor would never consent to the renewal of the convention of commerce about to expire. As if the renewal of a convention so contemptuously disregarded in the issue and enforcement of the Berlin, Milan, and Bayonne decrees could be of any great importance to the United States!

Pending the debate on this non-intercourse bill, Livermore proposed a clause allowing commercial intercourse with Hayti, which was still considered at the custom-houses as a dependency of France, though the old French part of it had been independent for years. Since the death of Dessalines, whose severities had provoked a revolt, the old French colony of St. Domingo had been divided into two independent and hostile states: that of the north, or Cape Haytien, under Christophe, with a government of blacks; and that of the south, or Port au Prince, under Petion, with an administration of mulattoes. The western, or Spanish part, had till lately acknowledged the authority of France, and the city of St. Domingo was still held by a French garrison under General Ferrand. But the revolt of Spain against French domination had produced an insurrection even there; Ferrand was closely besieged; and, after enduring every extremity of famine, was presently compelled to surrender, when the Spanish rule was again restored.

Livermore's proposition encountered, on the part of Randolph, a theatrical start of horror, a counterpart to

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his proceedings with respect to the bill abolishing the slave trade, and since often imitated on that floor. He affected to regard it as tending to an insurrection of the Southern slaves, through the agency, as he intimated, of banditti, who might introduce themselves from that island under color of commercial intercourse.

Livermore, in reply, disclaimed any idea of upsetting the institutions of the South. He had thought only of the importation of the products of St. Domingo, their sugar and their coffee, not of their principles or their people. Notwithstanding a nominal prohibition, that trade did in fact exist, being carried on largely even from the State of North Carolina; the only effect of the prohibition being to throw it into the hands of foreigners.

This reference to North Carolina called up Macon, who claimed to be one of the most special Republicans in the House, a thorough-going disciple of the Jeffersonian policy, and who had carried his notions of equality so far as to have served, during the Revolutionary war, though possessed of considerable property, as a common soldier in the Continental ranks. Still more alarmed than Randolph, or seeming to be so, he should prefer war, he said, with both France and England, to trade with Hayti. Dana, the leader of the Federalists, anxious, at this moment, to conciliate Southern support, chimed in with Randolph and Macon. "He was not such a Democrat as to say that all men, whatever their color, ought to be liberated and placed on an equality. He considered himself, on all questions of this sort, a Republican under the Federal Constitution, that is, a friend to elective liberty. But, whatever might be his theory, he was controlled by the Constitution of the United States, which did not permit him to indulge in theories on this subject. Any measure tending to disturb the condition of things

in the Southern States, a condition of things which he considered to be impliedly guarantied by the Constitution, he should regard as hostile to that Constitution, which, as a Federalist, he was bound to respect." This doctrine, often since maintained on the floor of Congress, seems to have been now first enunciated, at least in this distinct manner. Livermore's proposition, thus assailed, obtained only his single vote; yet within a few months, by the expiration of the prohibitory enactments, commercial intercourse with Hayti was quietly renewed, and has been ever since carried on, to good commercial profit, and without any of those alarming effects suggested, possibly, in the case of Macon and Randolph, by Republican consciences ill at ease as to the question of the rights of man, however such conservative Federalists as Dana might feel no scruples on that score.

The commencement of the next session having been fixed a month earlier than usual, Congress adjourned, after a more harmonious meeting than had been known for years. Just previous to the adjournment, the president again nominated, and the Senate now confirmed, John Quincy Adams as minister to Russia. His jealous father saw in this appointment only a sort of political banishment, intended to remove out of the way a dreaded competitor for the presidency; but by taking Adams from the immediate theater of contention, it proved very beneficial to his political prospects.

June 28

The hopes of the restoration of domestic harmony and commercial prosperity based on the Erskine arrangement were, unfortunately, destined to speedy disappointment. As soon as information of it reached England, Canning declared, in the House of Commons, that the arrangement was wholly unauthorized by Erskine's instructions. This news, which arrived in America three weeks after the

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adjournment of Congress, was soon followed by Canning's dispatches to Erskine, severely criticising his proceedings and refusing to ratify them. An order in council had, however, been issued, protecting for a limited time American property shipped under that arrangement to ports blockaded by the orders in council.

Canning evidently placed very little confidence in the professions of friendship which had weighed so much with Erskine. He complained, too, that what had seemed to that minister substantial concessions, and as fixing the United States on the side of Great Britain in the pending commercial controversy with France, were illusory. There was no security for the continuation of the American restrictions as against France, and nothing to prevent the Non-intercourse Act from being suffered to expire with the session of Congress. Yet it can hardly be doubted that Madison and his cabinet really intended to carry out, with substantial good faith, as far and as fully as the violent prejudices of the Republican party would admit, the understanding into which they had entered with Erskine; and that, in rejecting this arrangement, Canning and his Tory associates committed a gross political blunder highly injurious to both countries. The experience of the last eighteen months seemed, indeed, to show that any attempt on the part of the United States to retort by commercial prohibitions would only tend to aid that monopoly at which the orders in council aimed. The idea of war seemed to be excluded, as well by the peaceful, or what the British ministers were ready to esteem the pusillanimous policy of the American government and people, as by a total want of warlike preparations and means. While the planters and farmers declared that they would not go to war for the protection of commerce, the merchants and sea-faring peo-

ple declared, no less loudly, that to go to war would only make matters worse. And yet these British ministers ought to have remembered that a war party did in fact exist; and that nations, no less than individuals, are easily stimulated by hate and passion to run the risk of most desperate injury to themselves in hopes of punishing an insolent enemy.

To justify their rejection of the Erskine arrangement, the British ministry laid before Parliament Canning's dispatch to Erskine, which had served as the basis of it, and subsequently Erskine's letters which had occasioned that dispatch, and his explanations of his motives in making the arrangement. To all parties in America except the French faction, and those bent on a war with England, the rejection was a source of mortification, and to none more than to those Essex Junto men by whom Erskine's arrangement had been celebrated as unquestionable proof of British moderation. Turning fiercely on the administration, which they had just now been inclined to accept as almost Federal, they accused Madison and his cabinet of having inveigled Erskine into an arrangement such as they must have known his instructions did not warrant; and of having attempted, by giving to that arrangement the character of a bargain executed, to force a ratification on the British government. The cabinet, on the other hand, were not a little mortified and alarmed at being exhibited in Erskine's communications as having themselves sought the arrangement by professions and concessions not very consonant with the prevailing feeling of their Republican supporters; and, in a correspondence with Erskine, they hastened to obtain such explanations as might modify, in some respects, his original statements, and help to save their character with their party. By the turn the affair had

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taken, Erskine had been placed in a most delicate position; but, as he seems to have been actuated throughout by a disposition, equally honorable and judicious, to arrange matters on the best terms for both parties that circumstances would permit, so, neither the government which refused to ratify his acts, nor that which had relied on his assurance, found any occasion to question his sincerity or his honor.

A little ashamed at the deprecating attitude which the administration appeared to have assumed, and, as it had proved, to so little purpose, the Republicans of all sorts vented their spleen on the British government, which they accused of totally unwarrantable conduct in rejecting an arrangement made by a minister with full powers, who had given the strongest assurances of his authority to make it. Not only was this confidence on his part construed into proof that he really had other instructions besides those contained in Canning's published dispatch, but some allusions by Erskine to the dispatch respecting the Chesapeake, which had not then been published, and which was supposed to relate also to the orders in council, were cited in confirmation of this view. Sometimes the angry administration newspapers represented the Erskine arrangement as a mere trick from the beginning, to obtain for the distressed manufacturers of England a supply of American produce. Sometimes they supposed the negotiation to have been commenced in good faith, in consequence of the immense suffering inflicted by the embargo, but to have been finally rejected, partly in consequence of the relief to British commerce afforded by the Spanish insurrection, but principally from the encouragement held out by the course of the Federalists that the embargo could not be maintained, and that the nation was too disunited to go to

war. The announcement in the British journals that a new minister was to be sent to America, encouraged, however, some hopes upon all sides (except among the desperately anti-British party, who hoped only for war) that some modification of Erskine's arrangement might yet be found possible. 1809.

Meanwhile a retrograde move was made by the issue of a proclamation reciting the non-fulfillment of the Erskine stipulation, and withdrawing the proclamation heretofore issued, thereby leaving in full effect the Non-importation Act of the last session, prohibiting all importations from either France or Great Britain, or their dependencies, and the entry, also, of their commercial vessels into ports of the United States. Aug. 9.

Francis James Jackson, who presently arrived to supersede Erskine as British minister, was an experienced diplomatist, lately employed to conduct the negotiation which had preceded the seizure of the Danish fleet, and thence known as Copenhagen Jackson—an association of ideas little likely to recommend him in America. Nor were the results of his mission in any way auspicious. After two or three personal interviews, Smith addressed him in a letter, expressing, in a tone of discontent too obvious to be mistaken, the surprise and regret of the president that he had no explanation to offer as to the non-ratification of the Erskine arrangement, or authority to substitute any new arrangement for it. One of Smith's objects, or rather Madison's, no doubt the real author of these documents, apparently was, to extract from Jackson an explicit admission, as a basis for an appeal to the nation, that he had no authority to treat except upon the ground of Canning's three conditions. The two latter of these conditions, now that they had been made public, gave rise to much stronger emotions than when they had Oct. 7

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been privately communicated by Erskine. That relating to commerce with belligerent colonies, was declared, in the course of the correspondence with Jackson, irrelevant as well as inadmissible; and that respecting the enforcement of the non-intercourse with France by British cruisers as not only inadmissible, but nothing less than "a surrender of an unalienable function of the national sovereignty." Exception was also taken to the form in which Jackson had renewed the offer of reparation for the Chesapeake outrage, as well as to the absence of any explanation why that part of Erskine's arrangement had not been carried out. The letter closed with an intimation that, "to avoid the misconceptions incident to oral proceedings, all future communications must be in writing."

Against this restriction Jackson energetically protested, as contrary to diplomatic usage and highly inconvenient; but, rather than suspend the negotiation till he could receive orders from home, he agreed to submit to it.

As to the disavowal of the Erskine arrangement, he did not find among the records of the British mission any complaints on that score, nor had any been made to him. And, indeed, it would have been unreasonable in the American government to complain of the disavowal of an act "done under such circumstances as could only lead to the consequences that had followed." For, though Erskine did not appear to have availed himself of the permission given to him to exhibit his instructions in full, yet the three essential conditions had been communicated to the American government; a state of the case which certainly left the right of disavowal undoubted and incontestable, Erskine having been induced to accept substitutes so different. The suggestion by Smith that Erskine had two sets of instructions, one of which, not

published, might have authorized his conduct, Jackson declared to be an entire mistake. His only instructions as to the orders in council were contained in the published dispatch. The reasons of the disavowal had been fully communicated to Erskine himself. If he had not stated them to the American government, it must have arisen from the embarrassment of his position, and from the natural expectation that the substance of the ample explanations made also to Pinkney at London must have been already transmitted by him. If, however, any incidental explanation or discussion on this topic were still desired, Jackson professed himself, though without any special instruction upon that point, quite ready to enter upon it. As to Erskine's arrangement of the Chesapeake affair, Jackson ascribed the rejection of that not only to the offensive terms employed in the American note, stigmatizing the offered reparation as unacceptable in the very act of accepting it, but to Erskine's departure, in several enumerated particulars, from the strict letter of his instructions, conformity to which being conceded, he was now ready to offer the same reparation stipulated by Erskine. As to the extent of his own powers, Jackson stated that the capture of most of the enemies' colonies, the close blockade of the rest, and the modifications in the policy of Great Britain by the issue of the orders of April 16th, had made the three conditions contained in the dispatch to Erskine matters of comparative indifference to the British government. He had not been instructed formally to repropose them, or any substitute for them; but he was authorized to receive and discuss any proposals which might be made by the American government; and, as he afterward stated, he had full powers to conclude a convention.

Smith insisted, in reply, not only that, under the cir-

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cumstances, explanations were due from the British government, but that Canning had intimated to Pinkney an intention to make them through a new minister, which circumstance might well explain why no complaint appeared among the archives of the British mission. As to the substitution of different terms for those contained in Canning's dispatch, what was more common than for a negotiator to be provided with a double set of instructions, or to be required to ask more than he was authorized to accept? What Erskine's instructions really were was a question essentially between him and his government; yet it was evident, from his declarations at the time, and from what he had written since, that he had supposed himself authorized to do what he did. He had also countenanced the idea of double instructions by referring to Canning's published dispatch as only a part of the authority under which he had acted. The statement was now for the first time made that his only instructions were in that dispatch. Had Erskine so stated at the time, of course the arrangement with him would not have been made. Smith then proceeded, as a last attempt at accommodation, to throw out the suggestion of a mutual suspension of the orders in council and of the Non-importation Act as to Great Britain, pending a negotiation upon all the points in dispute between the two nations—a suspension to which Great Britain could the less object, since an almost complete substitute for the orders as now modified would be found in the continuance of the American non-importation from France.

Jackson disposed summarily of this overture by proposing to refer it to his government. With respect to the Erskine arrangement — it being admitted by the American government that the three propositions had been communicated to them, and that others had been

substituted; and the communication being now made to them that the dispatch containing those three propositions formed Erskine's only instructions—the hypothesis of graduated instructions, however common a thing that might be, had no bearing whatever upon the question of the right of disavowal. There appeared to be, in fact, on the part of the American government, a fundamental error in supposing that, in the authority given to Erskine, Great Britain had proposed to propitiate the United States, in order to induce them to consent to a renewal of commercial intercourse; as if the advantages of that intercourse were all on the side of Great Britain; or as if the British government would condescend to barter objects of national policy and dignity for permission to trade with any country; or would stoop to minute calculations as to the difference it might make at Paris whether goods were landed at Havre or at Hamburg; when the real question was (and such was the real intent of the orders in council) to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard; and to let the world understand that honorable and manly resistance to such a spirit, from whatever countries banished, was still to be found in the sovereign of the British isles and the hearts of his subjects.

From a statement by Pinkney of one of his conversations with Canning, the American government had been led to suppose that some substitute might be offered for the Erskine arrangement, such as would enable a good understanding to be maintained, without the necessity, on the part of the United States, of an apparent and palpable submission to the orders in council. As this hope now vanished amid Jackson's rhetorical fanfaronade, nothing remained for the administration but to retrieve,

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if possible, by a show of spirit, that standing and credit with their own party, somewhat damaged of late by the coming to light of the secret history of the Erskine negotiation. This policy, co-operating with natural vexa-

Nov. 1.

tion at this new rebuff, prompted Smith's next letter, in which Jackson was informed that his repetition of language implying a knowledge, on the part of the American government, that Erskine had no authority for the arrangement he had made, and that, too, after the explicit denial of any such knowledge, and the declaration that with such knowledge the arrangement would not have been made, amounted to an insinuation inadmissible, on the part of a foreign minister, by a government understanding what it owed to itself.

Nov. 4.

In reply, Jackson asserted that he had carefully avoided drawing conclusions which did not necessarily follow from his premises, nor should he think of uttering an insinuation where he could not substantiate a fact. To facts, as they had become known to him, he had scrupulously adhered; and so doing, he should continue to vindicate, according to his own best judgment, the good faith of his government whenever called in question.

Nov. 8.

This answer was construed by Smith into a reiteration and even aggravation of the offense already complained of; and he proceeded to add that to preclude opportunities thus abused, no other course remained but to refuse, as preliminary to an application for his recall, to receive from him any further communications.

Nov. 13.

Jackson responded through Oakley, his secretary of legation, expressing his regret that his stating and adhering to two facts—one admitted by the American government, their knowledge, namely, of the three conditions; the other known to him from his own instructions, the fact that Erskine had no other authority—should have

afforded a sufficient motive for breaking off an important negotiation, as to one point of which, his offer of reparation for the affair of the Chesapeake, no answer had yet been given. He could not have imagined that offense would be taken at his stating and adhering to these facts as his duty had required, and most certainly none was intended. As it was, he had no alternative but to withdraw from the seat of the American government, and to await the orders of his own, which he should do at New York. Alleging as reasons the insults encountered at Hampton, where he had landed, by the officers of the frigate which brought him, and instigations to personal violence upon himself, which had lately appeared in several newspapers, he had already asked, through Oakley (as the Demooratic papers said, merely for effect), special passports for himself, family, and servants. He also addressed a circular to the British consuls, notifying the suspension of his functions and his retirement to New York, and containing a transcript of his last communication through Oakley—a proceeding charged against him by the Democratic papers as an imitation of the conduct of Genet in appealing to the people against the government, such, it was said, being the real object of his circular.

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It is plain that Jackson was little disposed, in fact, that he was resolutely bent not to aid the American government in defending itself against the charge urged in some of the Federal newspapers of having drawn Erskine into an arrangement which they knew he had no authority to make. But it is by no means so clear that any such insinuation as Smith alleged was contained in Jackson's correspondence; at least if there was, Smith himself, by the same rules of interpretation, had previously been guilty of a like indecorum, in reiterating, notwithstand-

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ing Jackson's explicit denials, the suggestion that Erskine had two sets of instructions. However that might be, this breach with Jackson had at least one convenient effect; it called off public attention to a side issue, in which the government stood in an attitude more agreeable to the national pride than the one in which they were presented by the unsuccessful Erskine negotiation. It was, indeed, the misfortune of Madison's cabinet not to be able to urge, without condemning their own previous and present policy, the best argument in favor of that arrangement, and perhaps a leading motive to it—the benefit it had proved, even during the short period of its existence, in having allowed the exportation to a profitable market of the great mass of products accumulated during the embargo.

Yet the commerce thus set loose, as well as that which, notwithstanding the American Non-importation Act, the French decrees, and the British orders, still continued to be carried on, was obliged to run many and great risks. The example of plunder set by the great powers had not failed of humbler imitators. Hungry Danish privateers swarmed in the North and Baltic Seas, and the petty Danish prize courts, eager to share the spoils, emulated the French Council of Prizes in confiscating American vessels on the most frivolous pretenses. Nor were the French privateers idle. In addition to forty-eight American vessels, with their cargoes, condemned within two years past by the royal Council of Prizes at Paris, a long list of other cases was still depending. From the difficulty of getting in captured vessels, they were sometimes plundered and then burned. Sometimes they were allowed to ransom themselves by bills drawn on the correspondents of the owners. On shore the dangers were still greater than at sea. In a statement to Armstrong of

"the invariable principles" of France in relation to neutrals. Champagny had recently declared that the Continental powers leagued against England would make (that is, would be compelled to make) common cause; and that the ports of Holland, the Elbe, the Weser, of Italy and Spain, left open by the American Non-importation Act, and in part by the modified British orders, would not be allowed to enjoy any commercial advantages of which France herself was deprived.

New French successes made these threats truly formidable. A revolution in Sweden, resulting in the dethronement of Gustavus, and in the subsequent election of Bernadotte as crown prince, had brought that country, too, within the range of French alliance. The fourth attempt of Austria to make head against France, speedily brought to a close at Esling and Wagram, had ended in her complete humiliation, followed not long after, by the marriage of Bonaparte to a daughter of the Austrian family. The Pope had been stripped of his temporal power, and his states added to the French empire, which now extended, directly or indirectly, over the whole of Italy, including also, the eastern coast of the Adriatic. Much of the sea-coast of Spain had passed back into French hands. Notwithstanding the recent landing of a second British army in the Spanish peninsula, led now by Sir Arthur Wellesley, the future Duke of Wellington, the probability seemed strong that the Spanish insurrection would be entirely crushed. The empire of Bonaparte thus still expanding, and the accommodation with Great Britain being entirely at an end, Turreau was persuaded to withdraw his late insolent letter, which disappeared from the files of the State Department, and only came to light in consequence of cabinet quarrels to be hereafter related.

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SECOND SESSION OF THE ELEVENTH CONGRESS. SUSPENSION OF THE RESTRICTION POLICY. INTERNAL IMPROVEMENTS. MANUFACTURES. BANK OF THE UNITED STATES. NEW NEGOTIATIONS. PRETENDED REPEAL OF THE BERLIN DECREE. OCCUPATION OF FLORIDA WEST OF THE PERDIDO. THIRD SESSION OF THE ELEVENTH CONGRESS. RIGHT OF SECESSION. RENEWAL OF THE RESTRICTIVE POLICY. LYON AND COOPER.

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THE president's message to the reassembled Congress, with which was sent a large mass of papers relating to the recent negotiations, was almost exclusively occupied with foreign affairs. Giles, who continued to act as leader for the administration, introduced into the Senate a series of resolutions sustaining the course taken with Jackson, whose alleged insolence and his circular to the consuls he denounced in very rude terms. In curious contrast with his own course ten years before, he now zealously inculcated the benefits and the duty of union and co-operation, going even so far as to maintain the obligation of the minority, in cases of disputes with foreign nations, to support their own government, right or wrong. No senator spoke against these resolutions, and they passed with only four dissenting votes; but in the House they encountered a warm opposition. Former passiveness under the insolence of Yrujo and Turreau was sarcastically contrasted with the extreme sensitiveness exhibited in Jackson's case, at a merely constructive, if not, indeed, an imaginary insult. The Federalists

thought it bad policy to have started a new quarrel, and, by breaking off the negotiation, to have rashly taken a step to which Britain might reply by a declaration of war. 1809.

Nor were objections confined to the Federalists. Macon thought it very strange that the same majority which, at the last session, had opposed Randolph's resolutions approving the president's course, on the ground of the general impropriety of such proceedings, should now themselves be urging a set of their own of precisely a similar character. He also objected to the phraseology of the resolutions as harsh and indecorous. He approved the course of the executive, but did not believe that the passage of such resolutions would at all tend to promote the harmony and union so much desired. After a very warm debate, the resolutions were finally forced through in midnight session, 72 to 41. The next day, the Committee on Rules and Orders proposed to give to the previous question the effect which it now has of stopping debate; but the opposition exclaimed against this proposal as a new sedition law, an unconstitutional contrivance to smother discussion, and it was, for the time, defeated. 1810. Jan. 5.

Giles also carried through the Senate a bill authorizing the president to send offending ministers out of the country; but this was not taken up in the House. His resolutions were re-echoed by several state Legislatures, including those of Vermont and Maryland, in which latter state the Democrats, at the late elections, had recovered their ascendency.

But the majority, while thus sustaining the dismissal of Jackson, and appealing to the Federalists to forego their own views, and to join in supporting the administration, were by no means agreed among themselves as to the future course to be taken All admitted that the

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existing commercial restrictions were worse than useless, operating to the injury of American shipping for the benefit of the British; to the great damage of the revenue, by throwing the import trade into the hands of smugglers; and to the destruction of commercial morals by strong temptations to evade the laws. But to fix upon a substitute was not so easy. Macon insisted that the embargo was the true policy; that it had produced the Erskine arrangement, and, if persevered in, would have caused that arrangement to be ratified; but he admitted that perhaps not another member thought so. The Federalists, notwithstanding their loud calls on the government in 1805 to defend maritime rights, had now become satisfied that, in the present desperate struggle between France and England, such protection was not possible. Remonstrances had failed; the worse than useless inefficiency of commercial retaliations had been proved by sad experience; while to resort to a war with Great Britain, so far from protecting commerce, would effectually destroy it—not to mention the other evils which war might involve. Under this view of the case, the navigating and mercantile interest now asked only to be let alone; and to be allowed to rely on their own adroitness for countervailing, as far as might be, the restrictions of the belligerents; nor did they doubt of being able still to carry on a commerce profitable to themselves and beneficial to the country—the best and only feasible resistance which circumstances permitted, as well to the domineering insolence of France as to the monopolizing avarice of Great Britain.

But now that the merchants and navigators desired to forego their former claims for protection, those very planters and farmers who had formerly scouted the idea of a war to protect commerce, had become, under the teachings of a recent experience, great advocates in their

turn of the duty of the government to secure for their produce the enjoyment of accustomed markets. Though as yet little disposed for actual hostilities, many Southern members, in the spirit of bravado indigenous in that region, sincerely believed that the threat of war would frighten Great Britain into a change of policy. "Why are we afraid of war?" said Sawyer, of North Carolina. "Shall we not have to borrow money to pay the current expenses of the year? If at war, we should only have to do the same. By the treaty of Vienna (Schoenbrun), England is left without a chance of a footing on the Continent. If we take a manly and independent ground, we shall compel her ministry to respect our rights. Are we to wait for her to declare war? If we do, we may wait forever. She will never declare war as long as she can carry it on, as she now does, without a declaration. Although I am opposed to a navy, I am desirous, since we have one, that its powers should be exerted. By sending our navy to sea, and a bold irruption into Canada, we might produce some effect; but never by such measures as these."

There was, indeed, a growing party, with the old French faction for a nucleus, about which new aggravations began to collect of those who thought it necessary to fight at any rate. We had been wronged and insulted, and must fight, leaving consequences to take care of themselves—a view too prevalent in private life, especially throughout the backwoods settlements, not to exercise a powerful influence upon public affairs. But this faction, though fast increasing out of doors, scarcely yet showed itself in Congress.

For the administration openly to adopt the policy of the Federalists would have been a mortifying confession of weakness and defeat no less distasteful to them than

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to the party which had elevated them to power. They desired, however, without seeming to adopt it, to come as near to it as possible. As the nation would not endure an embargo; as war would amount to embargo, with many other evils added; as the existing system was condemned by all; it was proposed to embody the national resistance in the shape of an American Navigation Act, so called: the French and British flags, whether borne by private or public vessels, to be excluded from American harbors, and the importation of French and British goods to be limited to American ships coming direct from the ports of production. This, it was said, would place restrictions upon those who restricted us, and not, as at present, on ourselves. Such was Gallatin's plan, approved by Madison, and brought forward

Jan. 8.

by Macon as chairman of the Committee on Foreign Relations.

The Federalists, desiring the government to let commerce entirely alone, opposed Macon's bill as certain to lead to countervailing regulations on the part of Great Britain, thus aggravating existing difficulties, placing new embarrassments in the way of trade, and leading sooner or later to war. On the other hand, part of the Democrats opposed it as too weak—as, in fact, resistance only to France, but submission to England. They recommended instead, not war, but the arming of merchant vessels; a total non-intercourse with France and England, or heavy duties on their products; but of those who advocated these measures, several seem to have done so merely as a cover from behind which to bring about the total abandonment of the restrictive policy.

Macon denied the charges thrown out by some of the warmer Federalists, that the administration and the

Southern States desired war. The administration, like himself, desired peace, though he feared it might not be possible to preserve it. He also reminded those members of his own party who called for stronger measures, that, after all the talk in the last Congress about the arming of merchant vessels as a substitute for the embargo, that measure had been voted down by a large majority as too warlike. If the present measure was not a very strong one, it was, at least, a protest against the wrongs of the belligerents. To attempt to fight both of them at once; to allow ourselves to be drawn by either side into a war which had proved so ruinous to all the nations engaged in it; would be equally acts of the greatest folly. CHAPTER XXIII. 1810.

Macon's bill finally passed the House, 73 to 52, the Federalists and the advocates of strenuous measures voting generally against it. In the Senate it was obliged to encounter a like combination between the Federalists on the one hand, and a body of Democrats, for one cause or another dissatisfied with the administration, and especially with Gallatin, led by Smith, who had again been sent back by the new Democratic Legislature of Maryland. Smith and his followers, disguising their opposition under pretense that the bill was too weak, helped the Federalists to strike out the whole of it except the repeal of the existing restrictive act and the exclusion of armed belligerent vessels. Smith then proposed to substitute the arming of merchant vessels and the trading by convoy. But the Federalists now assisted the administration Democrats to vote down those propositions, so that the bill, as sent back by the Senate, contained nothing but an abandonment of the present system of restrictions, and the future exclusion of all armed belligerent vessels—what might be called the Federal plan. Jan 29 Feb 1

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Coming back to the House thus mutilated, the bill was vehemently denounced by Macon as a total dereliction of the national honor, a base submission to the aggressions of the belligerents, a disgraceful abandonment of that policy of resistance which had commenced with the act excluding certain British manufactures, and had been followed up by the embargo, the non-intercourse, and the non-importation law now in force—forming, in fact, the basis of the Democratic policy. "If this movement had come from a quarter," said Eppes, with some significance, "of which the motives could be suspected, I should not hesitate to denounce it as a traitorous abandonment of the rights of the country."

Feb. 23.

It was replied to Macon's objections, that to pass the bill as it came from the Senate would at least get rid of the present Non-importation Act, while the door would still remain open for such measures of resistance as Congress might choose to adopt; or the present bill might be amended by authorizing the arming of merchant vessels, or the employing the national ships as convoys. But these measures were denounced by Macon and his section as hardly short of war. A decided breach in the Republican party seemed to be threatened. Madison had very little of Jefferson's power of keeping order in the ranks. The Smith and Gallatin factions were very fierce against each other. The cabinet itself had become the scene of violent dissensions between Gallatin and the Secretary of State. Finally, to unite the party, if possible, the bill, with the proposed amendments, was referred to a select committee, by which a disagreement to the amendments of the Senate was reported, and, to satisfy the other section, a separate bill authorizing convoy by the national ships.

Feb. 27.

March 5.

The disagreement with the Senate was carried. But

that branch still insisted on their amendments, and a committee of conference was appointed. This committee being unable to agree, the Senate, after a warm debate and many recriminations, voted to adhere, 17 to 15. The House, after some delay, also voted to adhere, 66 to 58; and so the bill was lost. March 19.

In the final debate, it was charged against the existing non-importation law, and not denied by any body, that its operation was to ruin honest and law-abiding men, while it enriched those who had no scruples; imposing on commerce restrictions highly injurious to us, but quite unfelt by the belligerents. "The history of that act," so it was remarked by Randolph, who had just taken his seat, "was very extraordinary. When originally introduced, not a single person had pretended that, absolutely and by itself, it was a good measure. During the debate upon it, it had gained no friends, and yet it had passed by a two-thirds' vote. During the present session it had been reprobated by every body of all parties, in the House and out of it; and yet, after a five months' session, it still remained on the statute-book! And why? Because, as the majority pretended, it could not be repealed without the abandonment of national honor! An unwise, passionate, and ill-informed majority had brought the nation into a false and ruinous position, and the national honor required us to stay there! To give up this wretched Non-importation Act without some equally wretched substitute for it, would be, it was pretended, unconditional submission and irretrievable disgrace!"

Smith, in the Senate, did not lack plausible arguments in behalf of his course. The exclusion of French merchant vessels from American harbors would be, he maintained, but a mere form, since French vessels no longer

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navigated the ocean; and even as to English vessels, not more than eight thousand tons annually of British shipping had been accustomed, before the embargo, to enter our ports. And yet, by this empty measure of mere nominal exclusion, we should furnish an excuse to Bonaparte, of which he would be sure to avail himself, to confiscate American property to the amount of three millions of dollars, still held under sequestration, and for additional seizures besides; while we should expose ourselves to still more serious retaliation on the part of the British. To the question, Should Congress rise and do nothing? he answered that it was better to do nothing than to injure ourselves. But, finding himself here upon Federal ground, he hastened to vindicate his Republican orthodoxy by alleging that he had been in favor of the arming of merchant vessels and of trade by convoy, but that in this he had not been supported.

The president, as if to pacify the more violent section of his party, or perhaps really doubting what the effect of the breach with Jackson might be, simultaneously with the introduction of Macon's bill had notified Congress that the enlistments had been resumed for the additional regiments. He had also suggested the renewal of the authority, which was about to expire, to call out the hundred thousand militia; provision for a corps of twenty-five thousand volunteers, to be enlisted and organized ready for service; and the expediency of putting the whole navy into commission. Bills founded on this message had been speedily passed by the Senate, but they lingered in the House, and were finally dropped. This was in consequence of news of the partial change of ministry in England, growing out of the quarrel and resignation of Castlereagh and Canning, and of the apparently frank and friendly reception given by Lord Wel-

lesley, Canning's successor in the department of foreign affairs, to the application for Jackson's recall. The only belligerent act of the session was an appropriation of $5000 toward experiments with a sub-marine torpedo, invented by Fulton, whose steam-boats were now just beginning to come into use. There were already four employed on the Hudson, and three more on the Delaware, Lake Champlain, and the St. Lawrence. With the ardor natural to inventors, Fulton felt great confidence of being able, by means of his torpedoes, to blow up the whole British navy.

The breach in the British cabinet, and the increased strength of the British opposition in consequence, would tend, it was thought, to drive the ministry into concessions. This new chance for an arrangement had been eagerly caught at, Pinkney being authorized to renew, under the former joint instructions to Monroe and himself, the negotiation with the British government. Champagny's letter to Armstrong concerning the emperor's "invariable principles," had stated that if England would revoke her declarations of blockade against France, France would revoke her Berlin decree. This seemed to admit of the construction that, if England would recall her previous orders of blockade—such as that of May, 1806, including the coast from the Elbe to Brest—the Berlin decree would then be recalled; and to this construction Champagny, when specially inquired of by Armstrong, by direction from Washington, as to its correctness, appeared to assent. Pinkney, informed by Armstrong of Champagny's reply, and instructed to approach the British government on this subject, soon communicated to his own government his hopes of obtaining from Wellesley a declaration that none of those blockades were any longer in force, and of thus being

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Jan. 25.

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able to lay a foundation for calling on France to repeal the Berlin decree.

1810. To aid in this new attempt at obtaining concessions
April 7. from the belligerents, Macon, shortly after the failure of his first bill, introduced another, merely excluding French and British ships of war, and leaving the non-importation to expire with the session, but with a proviso authorizing the president, in case either of the aggressing nations should recall its objectionable edicts, to announce that fact by proclamation, and, if the other should not do the same within three months, to revive the Non-importation Act, by proclamation, as against that other. This conditional threat was, according to Macon, the scintilla of resistance that was to save the national honor. But to the greater part of the Republicans it seemed quite too much of an abstraction; and an amendment, proposed by Richard M. Johnson, placing an additional duty of fifty per cent. upon all importations from France and Great Britain, was urged as not only an effectual retaliation, but as tending, at the same time, to foster domestic manufactures, and to fill the empty
April 18. treasury. After a protracted and vehement debate, it was carried, 61 to 40, most of the Federalists voting for it, in hopes of a rejection by the Senate of the whole bill.

In the Senate, by the influence of Smith and his section of Democrats, the additional duties were struck
April 27. out, and a substitute inserted, authorizing the president to employ the public armed vessels in protecting the commerce of the United States. The House refused to concur in this substitute; and, as the Senate still insisted upon it, another committee of conference was appointed, in which the administration influence succeeded at last in carrying the day. On their recommendation, to which both Houses acceded—for fear,

perhaps, of seeming to play into the hands of the Federalists—the amendment of the House and the substitute of the Senate were both dropped, and the bill was passed as originally introduced.

With this, as it proved, unlucky act, terminated a session which the Federalists and the more moderate Republicans applauded, rather too precipitately, as having brought to an end the wretched system of commercial regulations; leaving commerce, without jeopardy the peace of the country, to take care of itself. On the other hand, the Aurora, and the violent party with which, at this time, the Smiths seemed to co-operate, loudly complained that Congress had tamely abandoned the cause of the country, and had shrunk from its duty of compelling the belligerents to respect our neutral rights.

Towards the end of the session, a very zealous though unsuccessful effort had been made by Randolph to cut down the army and navy, the expenses of which, during the past year, had reached the sum of $5,773,000 (within $200,000 of the highest military expenditure of John Adams's time), and more than was at all convenient in the present state of the revenue. While the merchants were groaning under the embargo, the government, during the year 1808, had collected from outstanding bonds, in addition to a balance of ten millions in the treasury, upward of seventeen millions of dollars, the highest amount of receipts yet realized in any one year. But the income of 1809 had sunk to $7,773,000, leaving a balance on hand, at the commencement of the current year, of less than four millions. Notwithstanding the great relief afforded to the revenue by the Erskine arrangement, the income for 1810 was not expected much to exceed eight millions; and to meet the ex-

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penses of the government, including such portions of the public debt as would fall due, a new loan was authorized to the amount of that debt.

The idea of internal improvements, originally suggested by Jefferson as a means of employing the surplus revenue, had already led to a movement towards obtaining the aid of the United States in the construction of a canal to connect Delaware Bay with the Chesapeake. Undiscouraged by the present emptiness of the treasury, a general proposition was now brought forward by Pope, in the Senate, for subscriptions by the United States to the amount of one-half of the stock of any companies that might be formed to construct canals from Boston to Narraganset Bay; from New York to the Delaware; from the Delaware to the Chesapeake; from the Chesapeake to Albemarle Sound; from the Hudson to Lakes Champlain, Ontario, and Erie; round the Falls of Niagara; from Lake Erie to the Ohio; round the Falls of the Ohio; from the Appomatox to the Roanoke; and from the Tennessee to the Tombigbee; also like subscriptions to all companies incorporated by the states for building turnpike roads along the great mail route from Maine to Georgia, or from the highest navigable waters of the Atlantic to the nearest Western waters; and generally to the stock of all companies which might be approved by Congress, for digging canals, clearing rivers, and opening turnpike roads. After some discussion, and the increase, on Smith's motion, of the national subscription from one-half to two-thirds, the bill was postponed to the next session. A very similar scheme was introduced into the House, and supported in an elaborate speech by Peter B. Porter, of Western New York. Nothing, however, was done beyond appropriating an additional $60,000 for the Cumberland Road.

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Simultaneously with these movements in Congress, the Legislature of New York organized a commission, of which Gouverneur Morris, De Witt Clinton, and Porter were members—first movement toward the Erie and Champlain canals—to examine and report upon a route for inland navigation from the Hudson to Lakes Erie and Ontario, and on the condition and prospects of a company long since chartered for an improved water carriage, by way of the Mohawk River and Lake Oneida, between the Hudson and Lake Ontario, but for which as yet little had been done.

March 13.

Gallatin's report on manufactures, presented towards the end of the session, estimated the total annual product at $120,000,000, including, it would seem, the value of the raw material. The domestic product of furniture and cabinet-ware, carriages, shoes and other manufactures of leather, coarse earthen-ware, soap, tallow, and spermaceti candles, whale, spermaceti, and linseed oils, snuff, chocolate, mustard, and refined sugar, exceeded the demand, as was proved by the export of a certain surplus. The same was the case with cut nails, and cards for cotton and wool—articles manufactured by the aid of ingenious American machines. The domestic product of hats, whether of felt, fur, or straw, of straw bonnets, printing and writing paper and paper-hangings, types, books, salt, cordage, iron, steel, and the coarser ironmongery, anchors, agricultural tools, cannon, fire-arms, steam-engines, gunpowder, window-glass, spirituous and malt liquors, bells, copper vessels, shot, white and red lead, tin, japanned and plated ware, jewelry, and clocks, went far toward supplying the domestic demand. The same was true, though to a less degree, of cotton, woolen, and linen goods, the manufacture of which, stationary almost since the adoption

April 17.

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of the Constitution, had, since the late commercial restrictions, received a very decided impetus. Previous to the embargo, there were in the United States but fifteen cotton mills, with eight thousand spindles. By the end of 1809, eighty-seven mills had been built, of which sixty-two were in operation, forty-eight by water and fourteen by horse-power, working thirty-one thousand spindles; and many more were in process of erection. Their products were bed-tickings, at from ninety to fifty-five cents per yard, stripes and checks at from forty to thirty cents, ginghams at from fifty to forty cents, shirtings and sheetings at from seventy-five to thirty-five cents, and counterpanes at eight dollars each—immense prices compared with those of the present time. There were also in operation many carding machines for wool, and fulling mills for finishing woolen cloths; but the spinning and weaving of wool was almost entirely a household manufacture, as was the case also with linen. Some attempts had been made at printing calicoes, but as yet with little success.

The present imperfect state of information—which it was attempted to remedy by providing in the New Census Act for returns upon the subject, the first public attempt at collecting statistics—was urged by Gallatin as an excuse for not recommending any specific plan of encouragement such as the House had called for He mentioned, however, as obvious means, bounties; increased duties on manufactures imported; and loans by government to manufacturers. It was this latter idea which he seemed chiefly to favor; and he went so far as to suggest that, without material risk of loss, from five to twenty millions might be thus advanced in stocks at a low rate of interest, much on the old loan-office plan of colonial times. But to Congress the

idea of protective duties was much more agreeable; and Henry Clay, who had again taken a seat in the Senate for the fragment of an unexpired term, warmly advocated that policy, urged, also, in several petitions, and zealously supported in the House by Lyon and others. This policy met, however, with warm opposition, on the ground that to adopt it would be to tax the agriculturists of the South for the benefit of the Northern manufacturers; and all attempts failed at an increase of duties, though something of the sort had been recommended by Gallatin as a means of bringing up the revenue to a level with the expenditure.

An application to the last Congress by the Bank of the United States for a renewal of its charter, had drawn out from Gallatin, to whom it had been referred, a favorable report; but too late for any action. That report had insisted on the great accommodation of the bank to the government in the collection, safe-keeping, transfer, and disbursement of the public funds, and in the obtaining of temporary loans—conveniences not to be expected, at least to the same extent, from merely local banks. Gallatin proposed, however, greatly to modify the existing charter. He suggested a capital of thirty millions, fifteen to be subscribed by such States as might desire it; a branch to be established in each State; a certain number of the directors of the parent bank to be appointed by the general government, and a like number of the directors of each branch by the State in which it did business; a bonus to be paid for the charter; interest to be paid on all public deposits exceeding three millions in amount; and the bank to be required to lend the government, at six per cent., an amount equal to three-fifths of its capital.

A bill, founded on this report, was introduced into

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the House, but it encountered a hostile project started in the Senate for an entirely new bank, with a capital of twenty millions. The existing bank was said to be chiefly owned by foreigners, and it was alleged that the directors, who were all Federalists, had sometimes made or withheld loans for party purposes. The real motive, however, was the hope of gains to be made by subscrip tions to the new stock; while the shutting the door to such a speculation, and the inconveniences which would attend the winding up of one bank, and the putting another in operation, were urged as strong reasons for a re-charter of the existing bank. As the Republican party, since its accession to power, had passed several acts recognizing the legal existence of the present bank, the constitutionality of such an institution seemed to be pretty generally taken for granted. Leib, however, declared that he could not assent to the doctrine that one act of Congress, contrary to the Constitution, could legitimate another of the same sort. Little progress was made with either bill, and both finally went over to the next session.

The practice of setting apart one day in the week for private bills was first introduced at this session. The application of the statute of limitations to private claims was much discussed; and on this ground the Senate rejected a bill for paying to the widow of Alexander Hamilton the sum due him for the commutation of his Revolutionary half-pay, which, at the time, he had declined to receive, out of feelings of delicacy, in consequence of the active part he had taken as a member of the Continental Congress, in bringing about that arrangement. Party feeling had perhaps something to do with the introduction of a rigid rule long since abandoned. Indeed, the practice has since deviated into the

other extreme of never considering any adjudication final short of the payment of a claim. CHAPTER XXIII.

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The president had the satisfaction to see that, notwithstanding the complaints of the more violent section of his party, the course of policy which he had pursued had given strength to the Republicans in those quarters where it was most needed. There has been occasion already to notice the re-establishment of the Republican rule in Maryland and Vermont, in which latter state Jonas Galusha had succeeded Tichenor as governor. The spring elections in New Hampshire and Massachusetts were equally favorable. Langdon recovered his seat as governor of New Hampshire, and was sustained by a Republican majority in both branches of the Legislature. In Massachusetts, Lincoln, the late Democratic candidate, wisely made way for the aged Gerry, for some time past retired from political affairs, but whose Revolutionary reputation and services were now availed of by the Democratic party. William Gray was also rewarded for his recent adhesion by a nomination as lieutenant governor; and this respectable Democratic ticket was elected by a majority of 2500 out of 90,000 votes. The Democrats, who had a small majority in the House, and just half the Senate, raised a great outcry, because Jackson, the repudiated British minister, then on a visit to Boston, had been invited to attend, and was toasted at the dinner of the Ancient and Honorable Artillery, a public ceremony at which also Governor Gerry was officially present.

In New York, under the pressure from without, the Lewisites and Clintonians coalesced, and Tompkins was re-elected over Jonas Platt, the Federal candidate, by 10,000 majority. The Federalists, though they had increased their strength in the city, lost the Assembly,

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and with it the Council of Appointment, an authority which they had exercised in the removal of many Democrats from office, De Witt Clinton among the number, who presently regained, however, from the New Democratic Council, his former position as mayor of New York.

Though the merchants and seamen had at length carried their point of being left to their own risk and discretion, commerce still remained surrounded by most serious perils. Bonaparte's declaration, through Champagny, now Duke of Cadore, that no trade would be allowed with the allies of France in which France herself was forbidden to participate, had been fully carried out, not merely by prohibiting such trade for the future, but by piratically seizing in Spain—most of the northern ports of which had again passed into French control, and also under British blockade—in Holland, and at Naples, a large number of American vessels and a great amount of American property. Like proceedings took place also at Hamburg, in Denmark, and the Baltic ports. One excuse for these seizures was, that many American, and, indeed, many British vessels, were employed in bringing British produce from British ports, under forged papers, seeming to show that the property and the vessels were American, directly from the United States. Such evasions of Bonaparte's decrees were no doubt extensive; but the seizures were made indiscriminately, including a vast amount of bona fide American property regularly introduced. Those at
March 12. Naples were particularly piratical, since the ships thus made a prey of had been enticed into that port by a special proclamation of King Joachim Murat.

Upon the commencement of these seizures, Armstrong

had put in a vigorous remonstrance, to which the Duke of Cadore had replied much in the old tone of Talleyrand. It was owing to "a want of honor, energy, and just political views," so it was pretty plainly intimated, that measures no more decided had yet been taken by the American government against the unprovoked aggressions of England upon the rights of neutrals and the freedom of trade; aggressions which the United States could not submit to without relapsing into a state of colonial dependence. France, against which the United States had no cause of complaint, had been included equally with Britain under the Non-intercourse Act of March, 1809, and the seizure under that act of French vessels in American ports was alleged as a reason for the recent sequestrations. An intimation was added that, if proper steps were taken against Great Britain, the property lately seized might yet be restored, or, at least, that American commerce and property might be protected for the future by a convention in place of that lately expired.

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A notice, sent soon after to Armstrong, that the vessels seized were to be sold, drew out at last from that indolent minister, who had vainly hoped to obtain, by patience and moderation, some reasonable offer of commercial arrangement, an indignant remonstrance. The outrageous conduct of France, and her repeated aggressions on American property, were distinctly recapitulated, while the pretended excuse for the late seizures, that French vessels had been seized in the United States, was shown to be false in fact. Nor did Armstrong fail to point out the remarkable circumstance that, instead of resenting or retaliating the Non-intercourse Act when first informed of its passage, the emperor had waited till more than a hundred American vessels and cargoes had been drawn within his clutches.

March 10

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The only answer to this spirited remonstrance was the Rambouillet decree, dated March 23d, but not issued till May, ordering the sale of a hundred and thirty-two vessels, worth, with their cargoes, eight millions of dollars, the proceeds to be deposited in the Caisse d'Amortissement, or "Chest of Death," as the Americans translated it, and extending the like confiscation to all American vessels which should thereafter enter any French port, or port occupied by the French arms.

June 5. July 5.

This decree of Rambouillet made a profound impression in America; and instructions were sent to Armstrong, destined, unfortunately, to be soon forgotten, that, to lead to any revival of the non-importation as against Great Britain, not only would a repeal be required of the Berlin and Milan decrees, but a satisfactory provision for restoring the property lately confiscated by the Rambouillet decree, "such a provision being an indispensable evidence of the just purpose of France toward the United States."

March 25.

Pinkney's new negotiation at London did not succeed much better. To his repeated applications on the subject of the British blockades, Wellesley finally replied, not, as Pinkney had hoped, by a general declaration that none of those early blockades any longer existed, but by the special statement that the blockade of May, 1806, had never been formally withdrawn, its restrictions being included in the orders of June 7, 1807, while the blockade of Venice of July 27, 1806, was still in force. Determined not to do anything which might seem to imply that they had ever been in the wrong, the British government, though repeatedly and earnestly pressed to it by Pinkney, under instructions from Washington, did not exhibit the least disposition to recall these obsolete blockades as an inducement to Bona-

parte to repeal his decrees; so that the only result of Pinkney's application was to complicate the dispute by a new controversy on the subject of British paper blockades, alleged by Pinkney to have preceded the French decrees, and, in fact, to have justified them. 1810.

Nor was the final action of the British government as to the recall of Jackson entirely satisfactory. That recall had been conceded, but with an intimation that it might more properly have been asked for without suspending the minister's functions, and without any censure upon him personally, since he did not appear to have committed any intentional offense against the United States. Jackson's recall was intimated in an autograph letter from the king to the president, but no successor was immediately appointed. The American government even began to suspect that the mission, perhaps by way of slight, was to be left in the hands of a secretary or chargé d'affairs, and they sent word to Pinkney, should that prove to be the case, forthwith to take his leave and return home. May 22

But, although diplomatic relations with the British cabinet were thus unsatisfactory, trade as between the two countries stood on a footing vastly more favorable than that with France. Instead of seizures and confiscations, ending in total exclusion, the importation of American produce into England was favored and protected. Notwithstanding the orders in council and additional blockades proclaimed from time to time, American vessels were largely employed under British licenses and with forged papers in supplying the Continent with colonial produce and British goods; and in spite of some embarrassments from the American Democratic consuls and ministers, who did not favor these evasions of French decrees, this hazardous traffic was found very

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profitable. The exportation of American products soon regained nearly its old level. The carrying trade in colonial produce was indeed greatly diminished; but the capture by the British of all the remaining Dutch and French colonies, would at any rate have produced that effect.

It was absolutely essential to the success of Bonaparte's scheme for the destruction of British commerce to break up as well this profitable British trade with the United States as the agency of American vessels in evading his decrees. The Rambouillet decree was intended to make that agency no longer possible. The accomplishment of the other object, the embroiling the United States in a war with Great Britain, long so cardinal an object of French policy, and from which Washington and Adams had with much difficulty escaped, was now pursued by Bonaparte with greater zeal than ever, and, unhappily, with more of success.

Notwithstanding his late gross outrages in the seizure of so much American property, complaint at which had been answered only by insults, Bonaparte, as if perfectly understanding the men he had to deal with, lost not a moment in baiting the trap which the American government had so ingeniously set for themselves, in the act with which the late session of Congress had terminated. Immediately on the arrival of that act, the

Aug. 5

Duke of Cadore addressed a note to Armstrong, reviewing the relations between the two countries. The emperor had approved the embargo, because, though prejudicial to France, it had not infringed upon her honor, while it evinced, on the part of the Americans, a noble resolution of renouncing the ocean rather than submit to those who wished to be the tyrants of it. The Non-intercourse Act—which, as if to excuse the late date

of the Rambouillet decree, it was now pretended the emperor knew nothing of till lately, though its passage had been regularly notified by Armstrong—was condemned upon a new ground, as having compromised the dignity of France by an unwarrantable distinction between her and her allies, so as to have made reprisals on her part indispensable. By the late act, Congress had retraced their steps. Commerce with France was again lawful, and the United States had undertaken to oppose themselves to that one of the belligerents which should refuse to acknowledge the rights of neutrals. Such being the case, Cadore declared himself authorized to announce that the Berlin and Milan decrees were revoked, and that after the 1st of November they would cease to have effect, "it being understood that, in consequence of this declaration, the English shall revoke their orders in council, and renounce the new principles of blockade which they have wished to establish, or that the United States, conformably to the act of May, shall cause their rights to be respected by the English." "It is with the most particular satisfaction," so Cadore continued, "that I make known to you this determination of the emperor. His majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy."

Armstrong hastened to communicate this declaration not only to his own government, but to Pinkney at London; and upon the strength of it Pinkney called upon the British government to repeal their orders, to which application Wellesley replied, that whenever the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations should have been restored to the condition in which it had stood prior to the promulgation of those decrees, the highest satis-

Aug. 25.

Aug 31

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faction would be felt in relinquishing a system of which the adoption had been compelled by the conduct of France. This answer proceeded on the ground that the alleged repeal of the French decrees was not immediate, but prospective, not absolute, but dependent upon a cotemporaneous cessation of the British orders and

Sept. 29.

blockades. The reply made by Armstrong to Pinkney's inquiries on this subject was, that the condition was alternative, being either the repeal of the British orders and blockades, or the revival of the American non-importation as against the British dominions.

Armstrong, who had long sought a recall, now departed from France, leaving Jonathan Russell behind him as chargé d'affairs. Not only had no response been made to his demand for indemnity for the confiscations under the Rambouillet decree, but the question still remained unsettled whether the confiscation denounced by that decree against American vessels entering the ports of France and her allies remained in force or not. According to Cadore, that provision had been suspended, and American vessels, not denationalized by having touched at a British port, or by submitting to British visitation, were admissible into France; but the French Council of Prizes declared, on the other hand, that until some decree of repeal was produced (and nothing of that sort appeared), condemnations would continue as before. Yet, forgetting the instructions so lately sent to Armstrong on the subject of the Rambouillet confiscations, and exulting in the idea that the means were now secure of compelling Great Britain to revoke her orders, the president issued a proclamation on the day fixed by Cadore for the repeal of the French

Nov.

decrees to commence, announcing that repeal as a matter of fact, and the consequent cessation of the exclusion of

armed French ships from American ports. This proc- CHAPTER XXIII.
lamation, designed, as it evidently was, to pave the
way for a renewal, as against Great Britain, of the Non- 1810.
importation Act, encountered much criticism from the Federal newspapers. While Bonaparte still retained the American property confiscated under the Bayonne and Rambouillet decrees, could it be said that his edicts violating neutral commerce had been revoked? Was not Wellesley's letter to Pinkney just as good a repeal of the British orders as Cadore's letter was of the French decrees? As, in fact, there was yet nothing from either nation but conditional promises, would it not have been as well to have waited till the effect of the condition attached to the French repeal could be known? How did it appear that this alleged repeal was anything more than a new lure to draw more American ships within Bonaparte's grasp?

At the period of Armstrong's departure, very little appeared to give any credit to Bonaparte's pretended repeal of the Berlin and Milan decrees, while every thing evinced a determination to carry out the Continental system with the utmost rigor. Prussia had been compelled to issue a decree excluding American as well as British ships from her harbors. A new imperial decree, Oct. 18
issued soon after, directed British merchandise to be burned wherever found. The introduction into the territory of France and her allies of all the principal articles of maritime commerce was totally proscribed. Colonial sugar was to be superseded by that of the beet; coffee, by chickory and other substitutes. Tobacco and cotton were to be supplied by domestic cultivation. In order to crush, by the direct application of the emperor's iron authority, all attempts at evasion, the project was started, and soon carried into effect, of annexing to the

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French empire Holland, the Hanse towns, and the southern coast of the North Sea. Both Sweden and Denmark were wholly under French influence. To Russia alone, of all the countries of the Continent, could Americans trade without the most imminent risks of seizure and confiscation. That trade, hitherto limited, received now a great increase, in which the English also attempted to share under forged American papers. Great quantities of colonial produce, for surreptitious introduction, by land carriage, into Germany and France, were landed even at the remote Archangel, the advantage of being out of the track of Danish and French privateers having suddenly raised that Arctic town into a commercial entrepôt.

The only relaxations of this rigorous system grew out of Bonaparte's greediness for money, which induced him, while reducing thousands to misery for the sake of his favorite Continental system, to become himself a wholesale violator of it. Licenses were sold at enormous prices for introducing, subject to heavy duties, foreign articles otherwise prohibited. Certain favored manufacturers had thus been authorized, notwithstanding the Rambouillet decree, to employ thirty or forty American vessels in the importation of cotton, fish-oil, dye-woods, salt fish, hides, and peltry, from the ports of New York and Charleston exclusively, and under an obligation to export in return certain special articles of French produce. Subsequently to Cadore's announcement of the intended repeal of the Berlin and Milan decrees, orders had been sent to the French consuls in America to grant certificates of origin to all American vessels bound to French ports, provided they were loaded with American products only—except cotton and tobacco, which could only be imported under special licenses. But the few

Aug. 30.
Sept. 13.

articles thus admitted were subjected, by a new tariff, to enormous duties of several hundred per cent. Was it worth while, asked the Federalists, to risk the valuable trade with Great Britain, merely to relieve from the restraints of the British orders, feeble in comparison with that of Bonaparte's own policy, a French commerce so restricted and worthless as this? CHAPTER XXIII. 1810.

The success of the French in Spain, and the probability of that kingdom being obliged to succumb, had given occasion to revolutionary movements in several of the Spanish American provinces. This example, set by the Caraccas, where Miranda had again re-appeared, and imitated in Buenos Ayres, had been followed also in that portion of the Spanish province of West Florida bordering on the Mississippi. The inhabitants, most of whom were of British or American birth, had seized the fort at Baton Rouge, had met in convention, and had proclaimed themselves independent, adopting a single star for their flag, the same symbol afterward assumed by the republic of Texas. Some struggles took place between the adherents of the Spanish connection and these revolutionists, who were also threatened with attack from Mobile, still held by a Spanish garrison. In this emergency they applied, through Holmes, governor of the Mississippi Territory, for aid and recognition by the United States; modestly claiming all the unlocated lands, pardon for all deserters from the United States army, of whom there were many among them, and an immediate loan of $100,000. The president, however, Oct. 27. preferred to issue a proclamation, taking possession of the east bank of the Mississippi, occupation of which, under the Louisiana treaty, had been so long delayed, not from any defect of title, but out of conciliatory

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views toward Spain. Indeed, its present occupation by the United States, so the proclamation stated, was for the equal benefit of Spain, whose rights and interests were put in jeopardy, as much as those of the United States, by the present movement, while in the occupancy of the United States the territory would still remain a subject for friendly negotiation and arrangement. Simultaneously with the issue of this proclamation, Claiborne, governor of the Orleans Territory, then at Washington, was dispatched to take possession. In case he should meet with resistance, which was not anticipated, he was authorized to call upon the regular troops stationed on the Mississippi, and upon the militia of the two adjoining territories; but no force was to be used against such places as might be held by Spanish garrisons, however small. Soon after the insurrection at Baton Rouge, a body of men, under one Kemper, who purported to act under authority of the Florida insurgents, though most of his followers were Americans from the neighborhood of Fort Stoddard, approached Mobile. Though once repulsed, they continued to threaten that post; and, alarmed at the aspect of affairs, Folch, the Spanish governor, wrote a letter to the American authorities, intimating a disposition, unless he were speedily re-enforced from the Havana or Vera Cruz, to treat for the transfer of the entire province.

Dec. 5.

While the re-assembled Congress anxiously awaited further information from Europe, the president's proclamation for the occupation of Florida formed the chief topic of discussion. The Federalists denied that, by any just interpretaton, the district east of the Mississippi was included in the Florida cession. Pickering, in the Senate, in support of this view, quoted a letter of Talleyrand's, confidentially communicated to the Senate

four or five years previously. The reasons for the injunction of secresy had wholly ceased to exist. The letter, in fact, was no secret, having, like most presidential secret communications, soon found its way to the newspapers. But the opportunity to rebuke a veteran statesman, a terrible thorn to the Democratic party, was too tempting to be resisted; and Henry Clay, the youngest member of the Senate, but already aspiring to political leadership, introduced, and, a day or two after, carried through, by a party vote, a resolution of censure upon Pickering. 1810. Dec. 31.

Morier, the British chargé d'affaires, had also protested against the occupation of Florida as an act unfriendly to the Spaniards, struggling for their rights against Bonaparte. This remonstrance, together with Folch's letter, being communicated to Congress, a resolution was adopted in secret session, expressing unwillingness to allow a territory in which the United States had so deep an interest to pass from the hands of Spain to those of any other foreign power. An act was passed, also in secret session, but which within six months found its way to the newspapers, authorizing the president to take possession as well of East as of West Florida, under any arrangement which had been or might be entered into with the local authorities, or, in case of any attempted occupation by any foreign government, to take and to maintain possession by force. 1811. Jan. 3. Jan. 5.

Previously to the passage of this act, the occupation of the east bank of the Mississippi had been already completed by Governor Claiborne; not, however, without some show of resistance from our old acquaintance Fulwar Skipwith, recalled from France some years previously at the instance of Armstrong, and since then a settler in Florida, and lately elected governor by the

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insurgents. But, finding himself unsupported, except by a band of deserters and fugitive criminals, he thought it best quietly to submit.

Captain Gaines presently appeared before Mobile with a small detachment of American regulars, and demanded its surrender. Colonel Cushing soon arrived from New Orleans with several gun-boats, artillery, and a body of troops. The boats were permitted to ascend the river toward Fort Stoddard without opposition; but the Spanish commandant refused to give up Mobile, and no attempt was made to compel him.

The erection of the Orleans Territory into a state, proposed at the last session of Congress, had been met with this serious objection—that there was no authority in the Constitution for the admission of states formed out of territory acquired, and unconstitutionally acquired too, since the adoption of that instrument. This objection, which, on the Jeffersonian principles of strict construction, it was not so easy to answer, was again, at

Jan. 14.

this session (a bill having been brought in for the erection of that territory into a state), emphatically urged by Quincy. He expressed, indeed, his deliberate opinion that so flagrant a disregard of the Constitution would be a virtual dissolution of the bonds of the Union, freeing the states composing it from their moral obligation of adhesion to each other, and making it the right of all, as it would become the duty of some, to prepare definitely for separation; amicably if they might, forcibly if they must!

This declaration—first announcement on the floor of Congress of the doctrine of secession—produced a call to order from Poindexter, delegate from the Mississippi Territory (who lived, however, to view the subject in quite a different light). No member of the

House, he said, ought to be permitted to stimulate any portion of the people to insurrection and a dissolution of the Union. The speaker, Varnum, decided that, considering the latitude allowed and taken in this debate, the first part of Quincy's declaration—his opinion that the admission of Louisiana would be a virtual dissolution of the Union—was admissible. But his declaration as to the duty of certain states, under a certain contingency, to separate from the Union, peaceably if they could, forcibly if they must, was pronounced out of order. From this decision Quincy appealed, and, a part of the Democrats voting with the Federalists, the House reversed it, 56 to 53. The interruption thus disposed of, Quincy proceeded to declare "that he had uttered the statement which had so startled the House, not for agitation, but as a warning; not from hostility to the Union, but out of an earnest desire to preserve it. The clause in the Constitution authorizing the admission of new states must, from the context, be understood to relate only to the formation of new states within the limits of the Union as then existing. The people of that day had no idea of the territorial avidity of their successors. The prevailing opinion then was, that the country was already too extensive for a republican form of government. Nowadays there was no limit to our ambitious hopes. We were about to cross the Mississippi; the Missouri and the Red River were but roads upon which our imagination traveled to new lands and new states, to be erected and admitted under a power now about to be usurped. The debates on the Federal Constitution would show that the effect of the slave representation, and of the transfer of power to the West, were subjects of great jealousy to some of the best patriots of the Northern and Eastern States. Had it been fore-

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seen that, besides all that, the population of a world beyond the Mississippi was to come in, to change all existing proportions of political weight and influence—to make our laws, control our action, and decide our destiny—would such an arrangement, such a throwing of our rights, liberties, and property into hotch-potch with the wild men on the Missouri, have been listened to for a moment? With respect, indeed, to the people of Orleans, they were not liable to objection for want of moral qualities or political light; and, as special reasons existed for the admission of the proposed new state, he was willing to consent to that. But, then, it must be under an amendment of the Constitution, authorizing that admission, and that only."

Jealousy of the new states to be formed in the West had been aggravated as well by the results of the census just completed, which threatened a new curtailment of the political weight of New England, as by the support given from that quarter to the recent anti-commercial legislation. But all opposition proved unavailing, and a bill passed authorizing a convention to frame a state Constitution, the delegates to be chosen by the votes of the free male tax-paying citizens of the United States resident in the Territory of Orleans; and the Constitution, so framed, to adopt trial by jury in criminal cases, and the English as the official language of the new state. This bill was amended in the Senate by requiring these tax-paying citizens to be "white" also. In this the House refused to concur; but, as the Senate insisted, rather than lose the bill, the House yielded. The Territorial Legislature of Mississippi had also applied for leave to form a state Constitution. But, though a bill was brought in, no final action was had upon it.

The Directors of the Bank of the United States, whose charter expired with the present Congress, again

applied for a renewal. They were willing to accede to the modifications proposed in Gallatin's report of the last session, and to pay a bonus of $1,250,000. In favor of renewing the charter, bills for which were introduced into both Houses, Gallatin urged that the banking system had taken so deep a root in the country, that its agency in the management of the revenue could not be dispensed with; unless, indeed, the credit on duties were abolished. If the charter were not renewed, state banks might and must be used in the collection, custody, and transfer of the public moneys; but he greatly preferred the existing bank, which had also the additional advantage of furnishing for government transactions a currency far superior both in safety and credit to any local bank notes.

The constitutional question was supposed to be settled, not only by the continued use of the agency of the bank for government transactions, but by Jefferson's signature to an act authorizing the establishment of branches in the territories. The inconvenience, especially in the present depressed state of commerce, of winding up the bank, and sending out of the country the large proportion of its capital belonging to foreigners, was dwelt upon with emphasis; and also the inconveniences certain to result from employing the state banks as financial agents. On this subject, Jonathan Fisk, representing, along with Dr. Mitchill, the city of New York, spoke quite in the spirit of prophecy. "In almost every state there are a number of banks, and each will endeavor to get the revenue collected in that state, to keep and trade with. It must be given to one, or divided among them all. If one is selected, all the rest become jealous and dissatisfied, and exert their capital and influence against the favorite bank and its patron the government. This will awaken a

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spirit of faction as yet unknown. If all are gratified, the government must then open separate accounts with all the different banks in the country, to the number of fifty or sixty, and new companies will be formed, to divide the business and share the profits. Indeed, if this course is adopted, there will be no end to the scenes of speculation and intrigue.

"Notwithstanding the provision that no state shall emit bills of credit, we find almost every state in the Union interested in banks, and authorizing corporations to issue bank bills, which, so far as they exceed the capital upon which they are issued, are in the nature of bills of credit. Several states own stocks in these banks, and are responsible as stockholders for the payment of the bills. Pennsylvania, Virginia, and Vermont are large stockholders in their state banks. New York and North Carolina "and he might have added Massachusetts" are also interested in that way. The states can not be restrained, nor is it to be wished that they should be altogether prohibited from incorporating banks. The great commercial states will have the paper of the small agricultural states in their power. The bills of New York and Pennsylvania would be in greatest demand, and this would give them superior credit and currency. The other banks might attempt to make up by the quantity of their paper for the deficiency of its quality, and all might discount far beyond their funds, until a general depreciation should produce a general failure, and universal distrust of all paper. It was the duty of the government, if in their power, to avert such a state of confusion, and to protect and preserve the country from such complicated ruin."

The strength of the argument was altogether on the side of the re-charter; but, after a hard struggle, the

speculators and the anti-Gallatin Democrats, aided by the resolutions of the Legislatures of Pennsylvania and Virginia, carried the day. In the House the bill was indefinitely postponed, 65 to 64. In the Senate, the enacting clause was struck out by the casting vote of Vice-president Clinton, who placed that vote, not on the want of constitutional power in Congress to charter a bank, but on the special objection that the bank, notwithstanding the proposed modifications, would still be a private and exclusive corporation, not constituting a part of the government, nor responsible to it, except by forfeiture of its charter. Among the opponents of the bill in the Senate were Smith, Leib, Bayard, and Clay, the latter of whom made a vehement speech against it. It was chiefly supported by Crawford, who was Gallatin's organ in that body. Giles, in one of his interminable speeches, proved very clearly that, without the doctrine of powers by implication, the Federal Constitution would not work. He also occasioned no little surprise by vehemently assailing the favorite Virginia doctrine of the binding force of instructions. Yet, after having made a speech substantially in favor of the bank, he conformed to his instructions by voting against the recharter. Thus defeated at Washington, application was made to the Legislature of Pennsylvania; but, notwithstanding the tempting offer of the payment of $40,000 annually as a bonus, this also failed; and, for the purpose of winding up, the bank assigned its effects to trustees, Congress refusing to grant a prolongation of the charter for that purpose.

1811. Jan. 24.

To meet the payments on the public debt during the past year, $2,760,000 had been borrowed, thus raising the total resources, including about $700,000 from lands sold, to a little rising twelve millions. But the expenditures had exceeded thirteen millions, reducing the bal-

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ance on hand at the beginning of the year to less than two millions, the smallest reserve compatible with convenience. The outstanding revenue bonds, fruits of the suspension of the non-importation, amounted, at the commencement of the year, after a deduction for bad debts, to eleven millions and a half. Half a million was expected from lands, and enough more from duties accruing during the year for the payment of debentures, but this would hardly meet the current expenses, including the annual appropriation for the sinking fund; and, to cover all deficiencies, a new loan of five millions was authorized. Among the appropriations were $50,000 for the Cumberland Road, $131,000 for completing the fortifications already commenced, and $75,000 to cover expenses beyond the usual appropriation, for sending home destitute seamen—an addition made necessary by the number of sailors turned adrift in Europe from vessels seized under Bonaparte's Rambouillet decree.

As the period of three months from the issue of the president's proclamation, allowed by the Act of May, 1810, for the repeal of the British orders, was about to expire, the merchants were not a little alarmed at a treasury circular, setting forth the operation of that Act. The forfeitures under it were declared to extend to all goods which might arrive from Great Britain or her dependencies after the end of February, even though they had been ordered, paid for, and shipped before the issue of the president's proclamation was known. Eppes, as chairman of the Committee on Foreign Relations, not relying entirely on the president's proclamation, of which the legal effect was called in question, had some time before, introduced a bill reviving, as to Great Britain, the non-importation clauses of the acts of 1809 and 1810, and authorizing the president to employ the army navy, and militia, and to hire seventy-five ad-

ditional vessels for their enforcement; but with a proviso, that goods shipped prior to the 2d of February should not be liable to forfeiture. This bill had continued to lie on the table, waiting further news from Europe, and especially the arrival of Serrurier, a new French minister coming out to supersede Turreau, and who, it was hoped, would bring with him, not only unquestionable proof of the repeal of the French decrees, but a promise of indemnity for the late confiscations. Meanwhile, petitions from the merchants threatened with forfeiture began to flow in; and on the day that the non-importation from Great Britain went into effect, Feb. 2. Eppes moved to take up and recommit his bill, in order to provide by a special and separate enactment against the forfeiture of goods already shipped; an opportunity seized by Randolph to propose the repeal of the act under which the president's proclamation had been issued, and the total abandonment of the whole system of commercial exclusions, as far more injurious to us than to Great Britain. To this the suicidal objection was taken, already suggested by the Aurora and other prints of the old French faction, that the act in question amounted to a pledge to France, which the nation was in honor bound to fulfill. Randolph insisted, on the other hand, that the act was merely a rule for the guidance of our own conduct, a warning to our own people of the intentions of the government, and not a pledge to France. The only way of pledging ourselves to a foreign power was by treaty. But, supposing the act did hold out an offer to France, that offer, from all that appeared, had not been accepted. It seemed, in fact, from some dispatches from Russell just laid before Congress, that two American vessels, the first that had arrived in France since the end of November to which the Berlin and Milan decrees could apply, had been seized under

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those decrees, and, notwithstanding Russell's remonstrances, were still detained. And by other dispatches received pending the debate, it further appeared that, even after the arrival in France of the president's proclamation, seizures of American vessels, under the Berlin and Milan decrees, had continued to be made, with the intimation, however, that the vessels thus seized would be released, provided the threatened non-importation from Great Britain should be actually carried into effect.

In spite, however, of these arguments, Eppes and the whole body of the Democratic party strenuously insisted that the act was a pledge to France; and, notwithstanding the facts against them, and the repeated instances which had already occurred of French perfidy, they insisted no less strenuously on the probability of good faith on her part, and the necessity of good faith on ours. Randolph's proposition was accordingly voted

Feb. 4.

down, 72 to 45, and a bill was introduced, as Eppes had proposed, with a single section, allowing the entry of all goods, being American property, shipped from Great Britain or her dependencies prior to the 2d of February.

Pending the discussion on this bill, Serrurier, the new French minister, arrived, not only without instructions to make any explanations of the seizures since the 2d of November, but bringing a positive refusal by Bonaparte to make any indemnity for the seizures under the Bayonne and Rambouillet decrees. Yet for all this,

Feb 21.

Eppes proposed to add two additional sections to his new bill; one reviving in terms, as against Great Britain, the non-importation clauses of the act of 1809, but without the additional provisions for their enforcement contained in his former bill; the other authorizing the president to suspend the act upon the revocation of the British orders, or their modification so as no longer to violate the neutral commerce of the United States.

The Federalists and a few of the more moderate Republicans strenuously opposed this legislative sanction of the revival, and that, too, under false pretenses, of the non-importation—a system destructive of commercial morals, and ruinous to the revenue, cutting off, as it did, all open and legal trade with the country at all times our best customer, and now the only nation of Europe, Russia excepted, the government of which was disposed to trade with us. The more violent party wished, on the other hand, to put still further obstacles in the way of reconcilement with England; Wright, formmerly a senator from Maryland, and late Democratic governor of that state, whose remarkable exercise of the pardoning power there has already been occasion to mention, revived the impressment question, which had slept in entire silence for three years past, by proposing, as an additional condition on which alone the trade with England was to be re-opened, a satisfactory arrangement of that subject.

"Our seamen," he said, "have been piratically taken," to the number, as he stated, perhaps with some exaggeration, but according to an estimate current at the time, of ten thousand men, "and without respect to persons too, for the nephew of a senator (Reed, of Maryland) was among them. If we could catch the captors, they ought to be hung. If the House refused to take measures for the relief of these seamen, he should bring in a bill to ransom them, as had been done in the case of the Algerine captives. This was a good time, too, for every body knew where there were seven millions of dollars (British stock in the Bank of the United States) which might well be appropriated for that purpose. If our seamen were not released, it was high time for a revolution." Twenty-one members voted for Wright's motion, including two or three of the warmest Federalists, wishing, it is probable, to burden the bill with obnoxious amendments, as one means to defeat it.

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1811. The Congress being near its end, an attempt was made to push Eppes's bill through by sitting all night; but the Federalists, hoping to protract the debate till the Feb. 25 Congress expired, made a desperate resistance; and, after a continued session of eighteen hours, all the latter part of which was consumed in attempts to make and keep a House, they forced an adjournment. After an Feb. 27 interval of four or five hours, the House again came together; the debate was renewed, and, after a short adjournment for dinner, was kept up through the night, amid the greatest excitement, diversified by motions to adjourn and postpone, and enlivened by a violent personal collision between Eppes and Randolph. Eppes accused Randolph of speaking against time, to which Randolph retorted in such terms as to lead to a challenge. No duel, however, followed, the intervention of friends having brought about an explanation. After sitting all night, the previous question was put and car- Feb. 28. ried. According to the existing rules and practice of Congress, this was no bar to further debate, and this very House had once already deliberately refused to make it so. The question being now raised, the speaker so decided; but an appeal was taken, and the infuriated and resolved majority reversed that decision by a party vote, only Macon and Lyon, of the whole Republican side, voting to sustain it. Such was the irregular and violent method, five or six times resorted to, by which the bill was at last forced through the March 2. House. In the Senate it was carried 20 to 7, Bradley only, of the Democrats, voting against it. The delay of business and exhaustion of the members occasioned by this struggle, caused the House to sit through the whole of Sunday, which happened this year to be the third of March, the session ending just short of midnight.

One of the last subjects which occupied attention was

the president's veto—the third in the history of the government—on two bills, one incorporating an Episcopal church in the District of Columbia, the other granting a piece of public land to a Baptist church in Mississippi. The president took the ground that these acts conflicted with that clause of the Constitution forbidding Congress to make any law respecting a religious establishment. On reconsideration, the bills were lost, 33 to 55, a strict party vote.

With these proceedings the eleventh Congress expired, amid universal obloquy, and with hardly a word of defense or apology from any quarter. The Federalists regarded the recent proceedings as another step toward war with England, into which the country was to be plunged to promote the views of Bonaparte—a direct taking sides with the emperor, whose pretended repeal of the Berlin and Milan decrees was looked upon as a mere delusive trick. The violent portion of the Democratic party, which was daily growing stronger, and which, in the recent elections for the twelfth Congress, had defeated several of the old incumbents on the ground of their being "submission men," cried out against these same measures as altogether too weak. The non-importation, deficient as it was in means of enforcement, was sure to be extensively evaded, while the proviso for admitting goods shipped from England prior to the second of February was stigmatized as a direct breach of faith toward France. It was suggested, however, and with good reason, by the National Intelligencer, that it was not so much any fault of the late Congress which had made it impossible to agree upon any definite course, as the division of opinions and feelings among the Democrats themselves. This paper, still the organ of the administration, had lately passed into the hands of Joseph Gales, Jun., a young Englishman, whose fa-

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ther, once a bookseller in Sheffield, was now editor of a Democratic paper in North Carolina.

1811. Among those members of the late Congress who had lost their election to the next, under the charge of being "submission men," was Matthew Lyon, who had, indeed, other cause to complain of party ingratitude. At the first session of the Congress just expired, a motion had been made by Stanford, of North Carolina, for a committee to inquire into the prosecutions under the Sedition Law, and as to the expediency of indemnifying the sufferers. In a speech upon this motion, Lyon placed in a strong point of view his side of the story, the slenderness of the grounds of proceeding against him, and the harshness with which he had been treated. He complained still more bitterly of the conduct of some of his Southern friends, subscribers toward a fund of a thousand dollars to pay his expenses on that occasion. They had lately taunted him with his opposition to the embargo, as though he had been bound by that contribution to stand by the party and the South, right or wrong. Some of these generous subscribers he had indemnified out of his own pocket; others were unknown to him, or refused to be reimbursed. These obligations he wished now to get rid of by having the repayment come to the contributors in a shape not to be declined. Such a public reimbursement was, in his opinion, due to him from a now triumphant and ruling majority, in whose cause he had suffered under what they had all denounced at the time as an unconstitutional law.

Unfortunately for Lyon, Ross, a Pennsylvania member from the Northampton district, proposed to inquire, at the same time, into the case of those who had suffered in Fries's insurrection for their opposition to a direct tax. "No portion of the people of the United States," he said, "had made greater sacrifices to support the true Demo-

cratic cause; and if their fellow-patriots, who suffered under the Sedition Law, were to be remunerated, he thought they had an equal claim. Both measures had been equally reprobated by the genuine Democratic party, and both had equally contributed to place them in power." Gardinier, who presently became an editor himself, spoke warmly in behalf of the freedom of the press, expressing a strong sense of the hardship of Lyon's case, according to his statement of it, and readiness to vote an indemnification. But Dana skillfully took advantage of Ross's extravagance to defeat Lyon's purpose. "He thought, if those who opposed the law were entitled to compensation, those who had submitted to it were still more entitled. He therefore proposed, by way of amendment, to inquire into the expediency of compensating those who had submitted to the various laws laying an embargo." This raised a laugh; and, after some further debate, Stanford's proposition, with all the amendments to it, was indefinitely postponed. Such was the result of the first attempt to refund the fines imposed under the Sedition Law—an object afterwards accomplished, but not till Lyon was cold in his grave. At this moment the Democratic party were not in a humor to be reminded of having ever been the champions, whether of unlicensed freedom of attacking the government, or of a strict construction of the Constitution, especially in what related to penal laws.

While Lyon thus vanishes from the political stage, it is curious to observe the similar fate which just about the same time overtook Dr. Cooper, his fellow-sufferer under the Sedition Law. As compensation for his services and sufferings, Cooper had been appointed, by Governor M'Kean, president judge of one of the Pennsylvania Common Pleas districts. But that same irritability of temperament which had exposed him to pros-

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ecution under the Sedition Law, disqualified him, notwithstanding his acknowledged learning and talent, for his new office. Charges had been lately made against him of passionate and oppressive judicial bearing; of imprisoning Quakers for not taking off their hats; of committing parties for whispering in court; of sending notes to juries in criminal cases, with a view to produce convictions; of brow-beating counsel, witnesses, and parties; of issuing warrants without a complaint under oath, and then imprisoning constables for not serving them; and of speaking in open court of Quaker and Presbyterian religious professions as "all d——d hypocrisy and nonsense." A committee of the Lower House of Assembly considered these charges so far substantiated, that they recommended an address for his removal, which was carried, and complied with by Governor Snyder. This address, however, did not pass without a protest from a considerable minority, who maintained that, whatever might be the peculiarities of Cooper's manner, there was no sufficient evidence of judicial misconduct. According to Cooper himself, in an address issued on the occasion, the real ground of his removal was political. "I have not been anxious to conceal," so he wrote, "that, during a long course of observation on the conduct of parties in this country, I have not found that the Democrats or Republicans have much reason to boast of more disinterested views or more tolerant principles than their opponents. I have long found it impossible to go all lengths with the party to which I belonged, and of course I have shared the fate of all moderate men; I have influence with no party. I have willingly and deliberately incurred the deadly hatred of the most violent and thorough-going of my own."

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CHANGE IN THE CABINET. RETURN OF PINKNEY. MISSION OF FOSTER. AFFAIR OF THE PRESIDENT AND LITTLE BELT. POLITICAL STRUGGLES IN MASSACHUSETTS. INDIAN DISTURBANCES IN THE NORTHWEST. TWELFTH CONGRESS. THIRD CENSUS. FOREIGN RELATIONS. ARMY. NAVY. FINANCES. HENRY'S DISCLOSURES. PRESIDENTIAL NOMINATIONS. EMBARGO. BARLOW IN FRANCE. DECLARATION OF WAR AGAINST GREAT BRITAIN. LOUISIANA AND FLORIDA. BELLIGERENT SPOLIATIONS.

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THE recent death of Cushing having made a vacancy on the bench of the Supreme Court, it had first been attempted to fill it with that old Massachusetts Democratic leader, Levi Lincoln. On his declining, Alexander Wolcott, an active Democratic politician of Connecticut, but not remarkable for ability, and of rather dubious private character, had been nominated. But the Smith faction in the Senate, glad of an opportunity to thwart the president, had united with the Federalists in refusing to confirm Wolcott's nomination, and John Quincy Adams had then been appointed. The president, resolved at last to put an end to the turmoil which had so long reigned in his cabinet, afforded Smith an opportunity to retire quietly by tendering him the mission to St. Petersburg in Adams's place. But Smith refused to be disposed of in this way, and at the same time indignantly resigned the Department of State.

Monroe, lately Madison's competitor for the presidency, had occupied since a somewhat equivocal posi-

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tion; but having been lately brought forward as a candidate for the gubernatorial chair of Virginia, he had paved the way for his election by formally announcing himself a supporter of Madison's administration; and this reconciliation Madison now consummated by selecting him, much to Giles's disappointment, to succeed Smith at the head of the cabinet.

This change was at first supposed to favor a peace policy, and on that account was vehemently attacked by the Aurora. But it soon appeared, from a publication by Smith, that the breach between him and Madison had grown out of his opposition to the president's proclamation and the new Non-importation Act, on the ground that the French decrees were not really repealed, and generally from his disposition to repel with spirit the insulting tone of Bonaparte and his new minister. It seems doubtful, however, whether the Smiths had any system of policy beyond opposition to whatever Gallatin proposed.

July.

April.

Already, before this change in the cabinet, Pinkney had terminated his mission at London. Wellesley had replied to his repeated and laborious arguments to prove the actual repeal of the Berlin and Milan decrees, and to his calls, on that ground, for the discontinuance of the British orders, that, admitting the Duke of Cadore's letter to be correctly interpreted by Pinkney, as announcing a repeal of the French decrees to commence absolutely on the 1st of November, but conditional as to its continuance, on the recall of the British orders, within a reasonable time, he should not hesitate to concede such a recall, had that been the only thing required. But there was another condition mentioned in that letter wholly inadmissible—the renouncing what were called the "new British principles of blockade." Of these al-

leged new principles, as set out in the Berlin decree, one was the claim to blockade commercial unfortified towns, coasts, harbors, and mouths of rivers; whereas, according to Bonaparte, blockades ought to be confined to fortified places. This innovation on the established laws of war had not been included within the promise as to the recall of the orders, and Great Britain could not and would not consent to it. Nor could he believe that a repeal of the French decrees, even granting its existence, could with such an inadmissible condition attached to it, be esteemed in America a sufficient warrant for reviving the Non-importation Act solely against Great Britain; especially considering the violent course of France against all commerce, and the necessity on the part of Great Britain for every precaution of defense.

Jan. 14. As to the matter of blockades, Pinkney denied that the American government claimed any thing more than what had been over and over again admitted by the British government, that no place should be considered as blockaded unless an adequate blockading force were stationed before it. It was only on this ground, and not on any new doctrine as to the laws of war, that he had demanded the repeal of the order of blockade of May, 1806, and of other similar ones. As no British minister to the United States, of equal rank with himself, had yet been appointed, Pinkney, in the same note, agrecably to express instructions, the execution of which had been for some time delayed, requested his audience of leave.

Feb. 11. Wellesley denied, in reply, that previous to the Berlin decree any principles of blockade had been promulgated, or that any blockades had been proclaimed by Great Britain not strictly conformable to the laws of civilized warfare and the approved usages of nations; nor would

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Feb. 15. of Augustus J. Foster, late chargé d'affaires in Sweden, and formerly secretary of legation in the United States, as minister plenipotentiary to America. Wellesley added assurances that the delay in sending out a successor to Jackson had arisen, not from any indisposition to meet the wishes and expectations of the American government, but solely, in the first instance, from anxiety to make an appointment most conducive to the establishment of harmony, and of late, from the interruption of business growing out of the sickness and disability of George III. and the establishment of the regency.

Pinkney, however, was convinced, so he wrote home, that if the present administration continued in power, it was impossible to be friends with England. He still persisted in asking his audience of leave, and having

May. obtained it, sailed for America, leaving John S. Smith to act as chargé d'affaires. Shortly after his departure,

May 31. the British Court of Admiralty Appeals delivered an opinion, that no evidence existed of the repeal of the Berlin and Milan decrees—such a repeal having been set up as a defense against the late captures under the orders in council—an opinion resulting in the condemnation of more than a million dollars worth of American property, upon which, in hopes of some accommodation, a final decision had hitherto been delayed.

One thing, however, Pinkney had arranged, and that was the atonement for the affair of the Chesapeake, and upon the very terms, too, of the Erskine arrangement. But the formal completion of that business having been reserved for the new British minister, another rencounter

between an American and British national ship, not less questionable in its origin, and still more bloody in its result, served still further to delay the final settlement of that protracted affair.

A good deal of feeling had been aroused by the capture off New York of a richly-laden American vessel bound to France, and by two or three instances of impressments in the same waters on the part of British ships of war hovering off the American coast. In the midst of this excitement, Captain Rodgers sailed in the frigate President, on a cruise between Chesapeake Bay and New York, his ship being one of the home squadron for the protection of American commerce. The British sloop of war Little Belt, Captain Bingham, was in those waters, looking for her consort the frigate Guerriere, for which she had dispatches. Having discovered the President about noon, some fifty miles off Cape Charles, she endeavored to close; but about half past two, being then six miles distant, and her private signals not being answered, concluding that the chase could not be the Guerriere, but some American frigate, she gave up the pursuit and stood to the southward. The President then gave chase in her turn, gaining on the sloop till about seven o'clock, when her captain, thinking it best to speak the stranger before dark, lay to, cleared for action, and waited for the frigate, which approached slowly, with a light breeze, and, in spite of the Little Belt's maneuvers to keep the wind, took a weatherly position scarcely a hundred yards from her. So far the accounts on both sides agreed; but as to what followed there was a great discrepancy. Both commanders, corroborated by their respective officers and crews, claimed to have hailed twice, and to have been answered only by a repetition of the hail, the other ship immediately after beginning to

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fire. According to Rodgers, the President received a single shot, which was returned without any order from him, and answered instantly from the Little Belt by three others in quick succession, followed by her whole broadside and musketry, which extorted from him a reluctant order to fire. Bingham insisted that, immediately after the second hail, the President began the rencounter by firing her whole broadside into his vessel. Rodgers stated that, after an action of four or five minutes, perceiving his adversary to be very inferior, he ceased firing; but that, after an interval of four minutes, the firing being renewed by the Little Belt, it was returned by the President for from three to five minutes longer, so that the whole rencounter lasted a quarter of an hour. The British officers made no mention of any pause, and the action, according to them, continued from three quarters of an hour to an hour, by which time the Little Belt's sails and rigging were so cut up that she became unmanageable, and none of her guns could be brought to bear. The firing having ceased, Rodgers hailed again, learned the name and character of the Little Belt, and gave his own. He then drew off, but lay to, near by, during the night, and in the morning ran down and sent a boat on board, with offers of assistance, which Bingham declined. Almost a wreck, with eleven of her crew dead and twenty-one wounded, the Little Belt made the best of her way to Halifax. The President had suffered but very trifling damage, and had but one of her crew slightly wounded.

The news of this affair, which was very vehemently discussed in the American papers—a great deal of argument being exhausted on the right of Rodgers to chase the Little Belt at all—excited the greater interest in consequence of a report, exultingly circulated by some of the

Democratic journals, that Rodgers had sailed with orders to rescue by force the men lately impressed. At Foster's first interview with Monroe, the issue of any such orders was disavowed; and an inquiry, undertaken at his request, into Rodgers's conduct, having resulted in the sustentation by all his officers of Rodgers's assertion that the Little Belt fired first, he suffered the matter to drop. The opinion, notwithstanding, extensively prevailed—which, as in Berkeley's case, was very far from doing Rodgers any harm with the party in power—that he had pursued the Little Belt with the very purpose of avenging upon her the still unatoned-for attack on the Chesapeake.

1811. July 2.

In finally accepting the reparation tendered by Foster—a renewed disavowal of Berkeley's orders, the restoration of the surviving seamen to the deck of the vessel from which they had been taken, and a pecuniary provision for the families of the slain—Monroe took occasion still to remark, and not without reason, that the transfer of Berkeley from one command to another could hardly be reckoned a part of the reparation, which had, indeed, been too long delayed and too punctiliously limited to appease the smart of the original insult.

Nov.

Foster also conceded, what Pinkney had never been able to extort, that the blockade of May, 1806, was absorbed in the orders in council, and could only be revived, should those orders be recalled, by a new notification and the detail of a sufficient blockading force. Monroe pressed, and the same facts were brought to Wellesley's notice by Smith, at London, as additional proof of the actual repeal of the Berlin and Milan decrees, the release by Bonaparte of several of the American ships which, since the 1st of November, had been seized under those decrees. But to this Foster replied that those releases

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seemed to have been made on special ground; while the decrees were spoken of, in various public acts of the French government, as still in force, and were, in fact, with these special exceptions, rigorously executed. Indeed, he seemed disposed to insist upon the entire abandonment of the whole Continental system by France as the only ground for calling on England to give up her orders. Monroe maintained, on the contrary, as Pinkney had done at London—and in this he had much the best of the argument—that the United States had no right to dictate to France any special term of internal policy, or to insist that she should admit British goods or colonial produce. The only parts of the French decrees of which America had any ground to complain were those which authorized the confiscation of American vessels because they had touched at British ports, or had been visited at sea by British cruisers; and that the decrees were actually repealed so far as related to these provisions, the recent releases were cited as proof.

But, while thus arguing the matter with the British, the American government was far from being satisfied with the actual position of American commerce in France. The prohibition of cotton and tobacco had, indeed, been nominally withdrawn; but every American product continued still to be laden with an enormous duty, and American vessels, besides being obliged to receive certain specified return cargoes—three quarters, at this time, in silk goods—were subjected to tedious investigations, in unusual forms, and when seized, as continually happened, their discharge could be obtained, if at all, only after great expenses and delays. There was, in fact, no safety in trading to France except under special licenses, openly advertised and sold by the French consuls at a heavy premium, in American ports.

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The French privateers in the North Sea and the Baltic, not restrained, like those of Great Britain, by a requirement of bonds to indemnify the merchants they might damage, captured every American vessel they met, in hopes to force a ransom or compromise. The conduct of the few French national vessels at sea was still more outrageous. Some French frigates, bound to Mauritius, had recently robbed, in succession, three innocent American ships, burning two, and sparing the third only as a means of getting rid of their prisoners.

July 26.

Barlow, appointed to succeed Armstrong as minister of France, lingered for some time at Washington, employed in replying, through the Intelligencer, to Smith's attacks on the cabinet. His instructions, as well as those sent after him, when at last he departed, sufficiently evinced the soreness of the American government, not only on account of these grievances, but at the refusal of Bonaparte to make any compensation for the robberies under the Rambouillet decree, notwithstanding the revival of the non-importation as against England, and the disposition thus evinced by the American government to take his side, and to aid in his commercial war.

Nov. 21

At home things seemed more promising. The result of the spring elections in New England had been such as to strengthen the hands of the administration. A Boston Federal caucus, held the Sunday evening before the election of governor, as the custom then was, had vehemently denounced the new Non-importation Act then just passed, and had urged as "the only means of salvation short of an appeal to force, which Heaven avert!" "the election of such men to the various offices of the state government as would oppose by peaceable but firm measures the execution of laws which, if per-

March 3.

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1811. June.

sisted in, must and would be resisted." But so far were the people of Massachusetts from responding to this appeal, that not only was Gerry re-elected governor, but the Democratic party obtained a majority in both branches of the Legislature. When that body came together, Gerry criticized with severity what he called the seditious doctrines of the Federalists; and that party was soon made to feel that the control of the state had changed hands. There were at that time but three banks in Boston, and the charters of two of them were just about to expire. These two banks, as well as the branch of the Bank of the United States just closed, controlled as they were by the Federalists, had been accused of political favoritism, and it was resolved to replace them by a new bank, with a capital of three millions of dollars, to be placed and kept under Democratic control. By way of offset to an offer of the Federalists of a bonus of $100,000 for a similar charter, the new bank was subjected to a yearly tax of one half per cent. on its capital—a scheme of taxation lately introduced in some other of the states, and the origin of that bank tax whence the state revenue of Massachusetts is now mainly derived. The inferior courts and most of the state offices were reorganized, with the view of getting rid of the Federal incumbents. The sectarian allies of the Democratic party were rewarded, and the Federalism of the Congregational clergy was punished, by a new act "respecting public worship and religious liberty," securing, against the sharp constructions of the Supreme Court, the right of tax-payers to divert their parish taxes from the Congregational minister to any other upon whose ministrations they usually attended—the greatest length on this question which even the Democratic party of Massachusetts was disposed to go.

More decisive measures still were reserved for a sub-

sequent session, as preparation for which Gerry proceeded to make a general sweep of the Federal officers, thus securing Jefferson's applause "for the rasping with which he rubbed down his herd of traitors." "Let them have justice and protection against personal violence," so Jefferson wrote to Dearborn, "but no favor. Powers and pre-eminences conferred on them are daggers put into the hands of assassins, to be plunged in our bosoms the moment the thrust can go home to the heart." If party hatred thus glowed in the breast of one *hors du combat*, as Jefferson described himself, what was to be expected of those engaged in the thick of the fight? Aug. 14.

The pressure of Bonaparte's commercial system, not confined to the civilized world, was felt even by the wild tribes of the North American forests. The price of furs, in consequence of their exclusion from the Continent of Europe, their chief market, had sunk so low that the Indian hunters found their means of purchase from the traders greatly curtailed. The rapid extension of settlements north of the Ohio had not only occasioned an alarming diminution of game, but, in the facilities afforded for the introduction of whisky, had inflicted a still greater evil on the Indians. Among those tribes, Delawares, Shawanese, Wyandots, Miamis, and, further to the northwest, Ottawas, Potawatomies, Kickapoos, Winnebagoes, and Chippewas, a remarkable influence had of late been established by two twin brothers of the Shawanese tribe, who possessed between them all the qualities held in greatest esteem by the Indians. Tecumseh was an orator and a warrior, active, intrepid, crafty, and unscrupulous. His brother, commonly known as The Prophet, was not only an orator, but a "medicine man" of the highest pretensions, claiming to hold direct intercourse with the Great Spirit, and to possess mirac-

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ulous powers. He announced himself as specially sent and instructed to require of the red men, as a first step toward a return to their ancient prosperity, to renounce all those innovations borrowed from the whites, more especially the use of whisky, which had made them the slave of the traders. But these denunciations were not limited to the vices borrowed from the white men; they were equally levelled at those approaches to civilization, and those new religious opinions, which the agents of the government on the one hand, and a few missionaries on the other, had been laboring to introduce.

Separating himself from his own tribe, which was slow, at first, in recognizing his mission, the Prophet had established (1806) a village of his own at Greenville, near the western border of Ohio, on lands already ceded to the United States. Meanwhile Tecumseh traveled from tribe to tribe, spreading every where his brother's fame. While the Prophet's immediate followers, engrossed in their religious exercises, were often on the verge of starvation, it was reported, and believed at a distance, that he could make pumpkins as big as a wigwam spring out of the ground at a single word, along with stalks of corn, of which a single ear would suffice to feed a dozen men. Denounced by the chiefs of their own and the neighboring tribes as impostors, they retorted by charges of subserviency to the whites, and even of witchcraft, a very terrible accusation among the Indians, under which they procured the death of two or three hostile Delaware Chiefs. It was, however, among the more remote tribes that the greater part of their converts were obtained; and this, perhaps, was one reason why the Prophet, in the summer of 1808, removed his village to the Tippecanoe, a northern branch of the Upper Wabash, a spot belonging to the Miamis and Delawares, but which he occupied in

spite of their opposition. At this new village disciples and spectators flocking in from all sides, the Prophet continued to celebrate his appointed seasons of fasting and exhortations: religious exercises which were intermingled with or followed by warlike sports, such as shooting with bows, by which the rifle was to be superseded, and wielding the stone tomahawk or war-club, ancient Indian weapons before the hatchet was known. CHAPTER XXIV. 1809.

These military exercises, and an alleged secret intercourse with the British traders and agents, had drawn upon the Prophet and his brother the suspicions of Harrison, governor of the Indiana Territory, and superintendent of Indian affairs; but these suspicions were, in a great measure, dispelled by a visit which the Prophet paid to Vincennes, in which he assumed the character of a warm friend of peace, his sole object being, as he declared, to reform the Indians, and especially to put a stop to the use of whisky. Not long after this visit Harrison held a treaty at Fort Wayne with the Delawares, Potawatomies, Miamis, Kickapoos, Weas, and Eel River Indians, at which, in consideration of annuities amounting to $2350, and of presents in hand to the value of $8200, he obtained a cession of lands extending up the Wabash above Terre Haute, and including the middle waters of White River. Neither the Prophet nor the tribe to which he belonged had any claim to these lands, except, indeed, under a doctrine which he had lately set up, that all the Indian lands belonged to all the tribes in common, and that none could be sold without the consent of all. On this ground the Prophet and his brother denounced the late treaty as void, and they threatened to kill all the chiefs concerned in making it—a threat the more formidable, in consequence of the accession to the Prophet's party, at this Sept.

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moment, of the Wyandots, a tribe on Lake Erie, not numerous, but famous warriors, and regarded with great respect by all the Northwestern tribes, who called them uncles.

In consequence of new reports of intended hostilities, Harrison invited the Prophet and his brother to a new

1810. interview, which took place in a field just outside of the

Aug. 12. village of Vincennes. Though requested not to bring more than thirty followers, Tecumseh came attended by some four hundred warriors. The governor, surrounded by several hundred of the unarmed townspeople, was seated in a chair, attended by the judges of the Territory, by several officers of the army, and by Winnemack, a friendly Potawatomie chief, who had on this, as on other occasions, given notice of Tecumseh's designs. Under some trees on the border of the field were placed a sergeant and twelve men from the fort. The Indians, who sat in a semicircle on the grass, had left their rifles at their camp, but they had their tomahawks by them.

Tecumseh, in his opening speech, fully avowed the design of himself and his brother to establish, by a combination among the tribes, the principle of no more cessions of Indian lands except by general consent. He admitted a determination to kill all the chiefs concerned in the late treaty, but disavowed any intention to make war on the whites, and denounced those who had accused him of it as liars. This was aimed at Winnemack, whom Tecumseh overwhelmed with a torrent of reproaches, and who, as he sat on the ground near Harrison's chair, secretly charged a pistol, and held it concealed, ready for use.

Harrison, in reply, ridiculed Tecumseh's assertions that the Great Spirit had intended the Indians to be one

people; for if so, why had he put different tongues into their heads? Why had he not given them one language which all might understand? The land in dispute had been bought of the Miamis, whose fathers had owned it while the Shawanese lived in Georgia; and the sale had been consented to by all the tribes who by occupancy had any claim. They had seen fit to sell the land, and what business had the Shawanese to interpose? Here the governor paused for the interpreter to repeat to the Indians what he had said, in the midst of which Tecumseh broke in, declaring, with violent gesticulations, that the governor's statements were false, and that he and the United States had cheated and imposed upon the Indians. As he went on with increased vehemence, his warriors sprang upon their feet and began to brandish their tomahawks. Harrison started from his chair and drew his sword, as did the officers who stood by; Winnemack cocked his pistol; and the unarmed citizens caught up such missiles as came to hand, principally brickbats from an ancient kiln. The guard of soldiers came running up, and were about to fire, but were checked by the governor, who asked the interpreters what was the matter. Being told what Tecumseh had said, Harrison pronounced him a bad man, with whom he would hold no further conference. As he had come under the protection of the council fire, he might depart in safety, but he must instantly leave the neighborhood. Thereupon the council broke up, and Tecumseh retired to his camp.

The people of Vincennes stood to their arms, expecting an attack that night. But, changing his tactics, Tecumseh the next morning expressed the greatest regret at the violence into which he had been betrayed, and requested and obtained another interview. This time his deportment was dignified and collected. He denied

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any intention of using force, ascribing the demonstration of the day before to the advice of white men—and

1810. Harrison had enemies in the territory, who had accused him of having cheated the Indians—by whom he had been told that, if he made a vigorous opposition to the treaty, the governor would be recalled and the land given up. But, though he disclaimed any hostile intentions, upon being asked whether he meant to interfere with the survey of the land, he significantly replied that he should adhere to the old boundary. He was followed by a Wyandot, a Potawatomie, and Ottawa, a Kickapoo, and a Winnebago, all of whom declared their adherence, and that of their tribes, to the new confederacy.

Anxious to ascertain Tecumseh's real feelings and intentions, Harrison paid him a visit in his camp. He expressed, on this occasion, great reluctance to go to war with the Americans, and promised, if the recent cessions were given up, and the principle adopted of taking no more land from the Indians without the consent of all the tribes, to be a faithful ally, and to assist the Americans in any war with the British; otherwise, though well aware that the pretended friendship of the British was all for their own purposes, he should be obliged to join them. Harrison, though he held out no hope of success, promised to lay the matter before the president.

1811. Numerous complaints, some months after, from the frontier, of horses stolen, houses plundered, and even of

June 24. alleged murders, caused Harrison to send word to Tecumseh that, if he did not put a stop to these outrages, he might expect to be attacked. Tecumseh replied by a personal visit, but with no satisfactory result. Shortly after, he started on a journey to the South, in hopes to bring the Creeks, Choctaws, and Chickasaws into his confederacy. Among the Creeks especially he might

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hope to some influence, as his mother had belonged to that tribe.

1811

Harrison had suggested to the administration the establishment of a post high up the Wabash, and they had proposed the seizing of Tecumseh and his brother as hostages for peace. Boyd's regiment of regular infantry had been for some time stationed at Pittsburgh, with a view to possible operations in the West. Fresh complaints coming from the Illinois Territory, Boyd was directed to place himself under Harrison's command. Harrison was authorized, should the Prophet commence or July 17. threaten hostilities, to attack him, and to call out militia for that purpose; but considering the threatening state of relations with Great Britain, much anxiety was at the same time expressed for the preservation of peace. The people of Vincennes and its neighborhood, dreaded being suddenly attacked at any time. They were eager to strike a decisive blow; and, though somewhat embarrassed by his orders, Harrison thought that policy the best. With Boyd's regiment, about three hundred strong, and some five hundred militia, partly from Kentucky, including two or three mounted companies, advancing some sixty miles up the Wabash, to Terre Haute, he established a post there, named after himself; and thence he dispatched some Delaware chiefs, that tribe still remaining friendly, on a mission to the Prophet. These messengers were very ill received, and were dismissed with insults and contempt. The troops then advanced, and, after eight days' cautious march, encamped within ten miles of the Prophet's town. The march being resumed the next day, small parties of Indians began to Nov. 5 appear, with whom it was in vain attempted to communicate; but within three miles of the town, some chiefs came forward, who asked the meaning of this hostile

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movement; urged the Prophet's desire for peace; and obtained a halt, and the appointment of a council for the

1811. morrow. The army encamped in a hollow square, surrounded by a chain of sentinels, the troops sleeping on their arms, with orders, if attacked, to maintain their po-

Nov. 7. sition at all hazards. Just before daybreak—the light of the moon, then in its third quarter, obscured by clouds, with an occasional drizzle of rain—an alarm was given by the discharge of a gun by one of the sentinels, followed by the Indian yell, and a desperate rush and heavy fire upon the left rear angle of the camp. The Indians had crept close to the sentinels, designing to overpower them by surprise. The men stood at once to their arms. All the camp-fires were immediately extinguished, lest they might serve to guide the aim of the Indians. The attack soon extended to almost the whole square, the Indians advancing and retiring at a signal made by the rattling of deers' hoofs. Not being able to break the square, and being charged, soon after daylight, by the mounted men, they presently disappeared. carrying off their wounded, but leaving forty dead on the field. Harrison's loss was upward of sixty killed and twice as many wounded. As it was not known how soon the attack might be renewed, the whole day was spent in fortifying the camp. The mounted men,

Nov. 8. sent the next morning to reconnoiter, found the Prophet's town fortified with much care and labor, but entirely deserted. The inhabitants seemed to have fled in great haste, as a large quantity of corn and other Indian valuables, and even a few guns, were left behind. The town was burned; but Harrison, encumbered as he was with wounded, deemed it prudent to make a speedy retreat, and having destroyed a part of his baggage that he might have wagons for the conveyance of those not able to walk, he retired as fast as possible to Vincennes.

This expedition gave rise to abundant discussions. Harrison's consenting to suspend his march; his selection of a camp so near the Indians; his omission to fortify it, for which the want of axes was pleaded in excuse; and his conduct also during the battle, were all very closely canvassed. A dispute also arose as to whether the merits of the repulse belonged to him or to Boyd. Harrison, however, was sustained, and his conduct approved by the president, and by resolutions of the Legislatures of Kentucky and Indiana; and such was the general impression throughout the West as to give him a decided military reputation.

Simultaneously with this commencement of Indian hostilities the twelfth Congress had assembled, called together by proclamation a month before the regular day of meeting. As in the last Congress, the Federalists were in a hopeless minority in both Houses. In the Senate they had but six members; even Massachusetts was partially represented by a Democrat, that veteran politician Varnum, speaker of the last House, having been chosen by the Democratic Legislature to supersede Pickering. But the ideas of the Federalists were still ably sustained by Bayard, by Lloyd, and by Dana, as successor to Hillhouse; while the large Republican majority was greatly enfeebled by its division into two hostile sections. Smith and Leib, joined now by Giles, and supported by a number of less conspicuous members, seemed, as in the last Congress, to make it an object to thwart in every thing the policy of the administration, at the same time professing, as cover for this hostility, a special zeal for the national interests and honor. By the desertion of Giles, the leadership in the Senate of the administration party proper devolved on Crawford, supported by Campbell, late of the House, but now a senator from Tennessee.

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In the House the Federalists had but thirty-six members, of whom the leaders were Quincy, Key, and Martin Chittenden, of Vermont. Connecticut and Rhode Island still adhered to that party; but from the rest of New England, as well as from New York, the Democrats had a very decided majority. From Pennsylvania there was but a single Federalist, and he chosen, not by the strength of his own party, but in consequence of the feud in the city of Philadelphia between the Snyder and Aurora factions. Maryland, Virginia, and North Carolina furnished ten Federalists. The proportion which had existed in the last House between the more moderate and the more violent section of the majority was now completely changed. Not only had all the more violent members of the last Congress—Porter, of New York; Wright, of Maryland; Williams, of South Carolina; Troup, of Georgia; Desha, Johnson, and M'Kee, of Kentucky—been re-elected; also Langdon Cheves, of South Carolina, who had taken his seat just at its close; but in Henry Clay, of Kentucky; William Lowndes, and John C. Calhoun, of South Carolina; and Felix Grundy, of Tennessee, appeared new champions of war, young and full of enthusiasm, by whom the old leaders were at once totally eclipsed. With Grundy came also that old pioneer and Indian fighter, hero of King's Mountain and of the State of Frankland, and first governor of Tennessee, John Sevier, stiff and grim as an Indian arrow, not speaking, but looking daggers. The choice of speaker revealed the constitution of the House. Henry Clay was chosen by 75 votes to 35 for William W. Bibb, a member for Georgia since 1806, and the Gallatin and peace candidate.

John Quincy Adams having chosen to remain in Russia, the seat on the Supreme Bench which he had de-

Nov. 12.

clined was filled by another young member of the rising

school of ultra-Federal war Democrats, Joseph Story, whose share in procuring the repeal of the embargo has been already referred to, and who held at this moment the place of Speaker of the Massachusetts House of Representatives. Another vacancy on that bench, occasioned by Chase's death, was somewhat inadequately supplied by the appointment of Gabriel Duvall, of Maryland, Controller of the Treasury, in which office he was succeeded by Richard Rush. Rodney, the attorney general, considering himself slighted in being thus passed over, soon after resigned, and was succeeded by William Pinkney, lately returned from London. 1811.

The results of the new census having been laid before Congress, after some struggling between the two Houses, the ratio of representation was fixed at 35,000, increasing the number of members by forty, as exhibited in the following table: Dec. 21.

States.	Free Whites.	Slaves.	All others.	Totals.	Reps.
New York . . .	918,699	15,017	25,333	959,049	27
Virginia	556,534	392,518	30,570	979,622	23
Pennsylvania . .	786,804	795	22,492	810,091	23
Massachusetts, with Maine .	692,939		7,706	700,745	20
North Carolina . .	376,310	168,824	10,266	555,500	13
Kentucky . . .	324,237	80,561	1,713	406,511	10
South Carolina . .	214,196	196,365	4,554	415,115	9
Maryland . . .	235,116	111,502	33,927	380,546	9
Connecticut . . .	255,179	310	6,453	261,942	7
Tennessee . . .	215,875	44,535	1,317	261,727	6
Georgia	145,414	105,218	1,801	252,433	6
New Jersey . . .	226,868	10,851	7,843	245,562	6
Ohio	228,861		1,889	230,760	6
Vermont	217,145		750	217,895	6
New Hampshire .	213,490		970	214,460	6
Rhode Island . .	73,214	108	3,609	76,931	2
Delaware	55,361	4,177	13,136	72,674	2
Louisiana	34,311	34,660	7,585	76,556	1
Mississippi Territory	23,024	17,088	240	40,352	
Indiana "	23,890	237	393	24,520	
Louisiana "	16,165	3,011	607	19,783	
Illinois "	11,501	168	613	12,282	
Michigan "	4,618	24	120	4,762	
District of Columbia	17,179	5,395	2,549	24,023	
Totals . . .	5,862,093	1,191,364	186,446	7,239,903	182

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1811. The absorbing interest of the session was that of foreign relations. Accommodating himself to the new temper of the House, and hoping apparently to take advantage of it to impress upon the British cabinet the necessity of yielding, the president announced in his message the arrival of a period "which claimed from the legislative guardians of the national rights a system of more ample provision for maintaining them." He suggested the putting the country "into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations." And yet, as plainly appears from the cotemporaneous letters of Monroe to Barlow, the cabinet did not contemplate, at this moment, any measure more decided than the arming of merchant ships

Nov. 29. An early report from the Committee of Foreign Relations struck a much higher key. Great Britain, so this report stated, notwithstanding the practical abandonment by France, so far as the United States were concerned, of the Berlin and Milan decrees, seemed resolved to persist in her orders, until France and her allies should abandon their restrictions on the introduction of British goods—a purely municipal regulation, with which the United States had no right to interfere. Attention was also recalled to the practice of impressment—an outrage which the committee were by no means disposed to overlook, "however the groans of these victims of barbarity, and the lamentations of their wives and children, had of late been drowned in the louder clamors of the loss of property." It was impossible for the people of the United States to remain indifferent to this perseverance of Great Britain, in spite of all remonstrances, and nothwithstanding our right to use the ocean as a sovereign and independent power, in the enslavement of our seamen, and the capture of every American vessel bound to or

returning from any port at which her commerce was not favored. The time, in fact, had come for choosing between tame submission, and resistance by all the means which God had placed within our reach; nor could the committee doubt which branch of the alternative would be embraced. With this preamble, and with the promise of a further report, the committee recommended the immediate filling up of the existing regiments; the raising an additional regular force of ten thousand men; the authorizing the president to accept the services of fifty thousand volunteers, and to call out such detachments of militia as the public service might require; the fitting out of all the public vessels; and the allowing merchant ships to arm in their own defense.

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Porter, as chairman, stated to the House that he and the committee were satisfied, as he presumed the House was, that no hope existed of accommodating our differences with Great Britain by negotiation. It was impossible not to see that her conduct toward us was regulated, not by even her own sense of justice, but solely in reference to the probable extent of our forbearance; and if we went on much longer submitting as we had done, we might expect soon to see our ships captured in our harbors, and our citizens seized by press-gangs in our streets. There had, indeed, been some difference in the committee as to whether the foreign carrying trade was worth fighting for; but all had agreed that any interference with the direct transportation of our own products to foreign markets, and the returning with the proceeds, ought to be resisted by war. The operation of the British orders was such, he was told, as to cut off three fourths of this entire trade. Even as a mere pecuniary speculation, he should therefore judge it better for the commercial and agricultural interests to go to war, than

Dec. 6.

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to submit to a restriction like this for the term of its probable continuance.

1811. That we could meet Great Britan fleet to fleet, on the sea, the scene of her insults and injuries, he did not pretend. Were it even possible for us to build a navy to cope with her, no man, he thought, who had any regard for his country, would recommend it. The glory of the British navy had been dearly paid for in the sufferings of an ill-fated nation, crushed by the expenses of that stupendous establishment. But, though without a navy, we might make an impression even at sea. Within six months after a declaration of war, the commerce and fisheries of Great Britain would be harassed, if not ruined, by hundreds of privateers. We might also seize her North American provinces, a most valuable possession for us, and almost indispensable to Great Britain, cut off, as she now was, from the north of Europe, and reduced to draw from North America all her supplies of timber and naval stores. These provinces, sick of her rule, on the mere appearance of our troops, would be ready to throw themselves into our arms. Thus, by private enterprise at sea, and public expeditions on the land, we might, in a short time, remunerate ourselves tenfold for all the spoliations which Great Britain had committed on our commerce. Some might demand an immediate declaration of war; but the committee were too cautious to plunge headlong into hostilities with a powerful nation, when we had not three disposable regiments to begin with. He hoped Congress would not be driven by the "howlings of the newspapers," or by fear lest their spirit should be called in question, to abandon the plainest dictates of common sense and common discretion. He knew there were many in Congress and out of it, good men, and good friends of his, whose appetites were sharp for a war

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least; nor considering our provocations, was he surprised at it. Grant but time to spread the table, and there were members of the committee, himself for one, quite ready to partake personally, not in the pleasures only, should there be any, but in the dangers, also, of the revelry.

Wright proposed to amend the resolution in relation to the arming of merchants ships by authorizing any vessel attacked to capture and bring in her assailant. But this, Porter said, would be war at once. That motion was lost, as well as another by M'Kee, to lay forthwith, as preliminary to immediate war, an embargo of ninety days.

Dec. 9

Grundy declared that, as a member of the committee, he should consider the adoption of the resolution for an additional force as pledging those who supported it to a war against Great Britain. He admitted the serious consequences likely to follow: flowing of blood; expenditure of treasure; the new test to which it would put the government; the uncertainty how far our institutions could stand the shock, and whether, when the danger from abroad had disappeared, we might not find our liberties exchanged for a military despotism; and yet he was for fighting. To the reasons urged by Porter, he added the recent Indian hostilities—news of the battle of Tippecanoe having just reached Washington—also our plighted faith to France, under the act of 1810, from which we could only cut ourselves free by the sword. For the existing Non-importation Act, ruinous as it was both to industry and to morals, some substitute must be found What substitute was there except submission or war? A war successfully carried on would drive the British from the continent; and he threw out to the North the suggestion of a counterbalance to be found in Canada sufficient to preserve the equilibrium of political power, liable now to be turned entirely against that sec-

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tion, to the manifest danger of the Union, whenever Louisiana should be fully peopled.

1811. Dec. 11.

To these war speeches Randolph replied in his usual discursive style, but, on some points, with great force of argument as well as keenness of satire. In the prosecution, so he said, "of a dispute with the great powers of Europe as to the colonial carrying trade, in which the Southern planters had no interest, they had yet, by their votes, in support of a series of most impolitic and ruinous measures, utterly incomprehensible to any rational or sober-minded man, succeeded in knocking down the price of cotton to seven cents, and of tobacco to nothing, and in adding to the price of blankets (a few of which would not be amiss in a Canadian campaign), coarse woolens, and every article of prime necessity, three or four hundred per cent. Having brought themselves into this predicament, they were now to get out of it by any means rather than by retracting, and thereby acknowledging their want of wisdom and forecast. Who would gain any thing by war? Speculators, a few lucky privateering merchants, commissaries, and contractors, while the people's blood and money must flow to support it.

"No sooner was the present report laid on the table, than the vultures came flocking round their prey—the carcass of a great military establishment. Men of tainted reputation, of broken fortunes (if they ever had any), of battered constitutions, 'choice spirits, tired of the dull pursuits of civil life,' seeking after agencies and commissions, and wishing to light the public candle at both ends.

"Such a war might hold out inducements to gentlemen from Tennessee and Genesee (Grundy and Porter). Western hemp would rise in the market, and Western New York might grow rich by provisioning our armies; not to mention the political interest which that state had

m the acquisition of Canada. But how absurd to commence a war for maritime rights by invading that province, while our whole sea-coast lay exposed to the enemy; not a spot on all the shores of Chesapeake Bay, the city of Baltimore alone excepted, safe from attack or capable of defense!

"If it were true that Britain had stimulated the late Indian hostilities, that might justify the proposed invasion; but that was a rash charge, with no foundation beyond suspicion and surmise. There was, indeed, an easy and natural solution of the late events on the Wabash, without resort to any such conjecture. It was our own thirst for territory, our want of moderation, that had driven those sons of nature to despair.

"But this Canadian campaign, it seems, is to be a holiday matter. There is to be no expense of blood or treasure on our part. Canada is to conquer herself—is to be subdued by the principles of French fraternity! We are to succeed by this French method! Our whole policy, indeed, is French! But how dreadfully might not this sort of warfare be retorted on our own Southern States!

"During the war of the Revolution, so fixed among the slaves was the habit of obedience, that, while the whole country was overrun by the enemy, who invited them to desert, no fears were entertained of insurrection. But should we therefore be unobservant spectators of the progress of society with the last twenty years? Even the poor slaves have not escaped. The French Revolution has polluted even them. Nay, there have not been wanting members of this House—witness our legislative Legendre, the butcher (this referred to Sloan, who had proposed the abolition of slavery in the District of Columbia)—to preach upon this very floor the doctrine

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of imprescriptible rights to a crowded audience of blacks in the galleries; teaching them that they are equal to their masters; in other words, advising them to cut their masters' throats! Similar doctrines are spread throughout the South by Yankee pedlers; and there are even owners of slaves so infatuated, as by the general tenor of their conversation, by contempt of order, morality, and religion, unthinkingly to cherish these seeds of destruction. And what has been the consequence? Within the last ten years, repeated alarms of slave insurrections, some of them awful indeed. By the spreading of this infernal doctrine, the whole South has been thrown into a state of insecurity. Men dead to the operation of moral causes have taken from the poor slave those habits of loyalty and obedience which lightened his servitude by a double operation, beguiling his own labors and disarming his master's suspicions and severity; and now, like true empirics in politics, you propose to trust to the mere physical strength of the shackle that holds him in bondage! You have deprived him of all moral restraint; you have tempted him to eat of the tree of knowledge just enough to perfect him in wickedness; you have opened his eyes to his nakedness; you have roused his nature against the hand that has fed him, and has clothed him, and has cherished him in sickness—that hand which, before he became a pupil of your school, he was accustomed to press to his lips with respectful affection; you have done all this—and now you point him to the whip and the gibbet as incentives to a sullen, reluctant obedience! God forbid that the Southern States should ever see an enemy on their shores with these infernal principles of French fraternity in the van! While talking of Canada, we have too much reason to shudder for our own safety at home. I speak from facts when I

say that the night-bell never tolls for fire in Richmond that the frightened mother does not hug her infant the more closely to her bosom, not knowing what may have happened. I have myself witnessed some of the alarms in the capital of Virginia."

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But, while thus seeming to repudiate the most cherished theoretical principles of Democracy, as totally inconsistent with the safety of Southern institutions, Randolph still claimed to be a true, sturdy, and consistent advocate of the doctrines of '98. He alluded, indeed, with most pointed sarcasm, to the support given to the violent war party, not only by ex-president Adams in some recently-published letters of his, but also by Cobbett. By a very sudden change Cobbett, since his recent conviction on a charge of libeling the British government, and imprisonment therefore, had added to his other attacks on the ministry a sweeping condemnation of their whole American policy, which he had formerly supported; and his papers on that subject, published in his Register, were now generally copied and warmly applauded by all the American Democratic newspapers. "It was not at all to his taste, that sort of Republicanism supported on this side of the water by the father of the Sedition Law, and by Peter Porcupine on the other; the Republicanism of John Adams and William Cobbett, united now, as in 1798, and whom the cruel walls of Newgate alone kept from flying into each other's arms, but whom in sentiment it was impossible to divide."

He pressed with great force the contrast between the policy now recommended, and that pursued by the Republicans of '98. "You were unwilling to vote an army when Washington himself was to be at its head, and when other worthies of the Revolution, Hamilton, Pinkney, and the younger Washington, men of tried patriot-

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ism, of approved conduct and valor, held the subordinate commands. Where is the Revolutionary hero to whom you are now about to confide this sacred trust? To whom will you commit the office of leading the flower of our youth to the Heights of Abraham? Where is the Montgomery, or even the Arnold or the Burr, who is to scale those rugged steeps? Will you find him in the person of an acquitted felon?"—a bitter allusion to Wilkinson, whose trial before a court martial was then near its close. "With such reluctance, such scruples then, now you are nothing loth, fearless of all consequences. Nor can you pretend that our present provocations exceed those of that time, when our direct commerce was interdicted, our embassadors hooted with derision from France, tribute demanded, actual war waged upon us.

"Let those professing to be Republicans make good the promises held out by their Republican predecessors when they came into power, and for years afterward faithfully redeemed. That party has vaunted of paying off the national debt, and of retrenching useless establishments, and yet has now become as infatuated with standing armies, loans, taxes, navies, and war, as ever were the Essex Junto. What Republicanism is this?"

Upon another point, the charge of British attachments —a charge, as he said, "at times insinuated in the House, but openly made out of it"—he spoke with a freedom which perhaps no Federalist could have ventured to use. "Strange that we should have no objection to any other people, civilized or savage! The great autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers, and his divan of pirates, are very civil, good sort of people, with whom we find no difficulty in maintaining relations of peace and amity. Turks, Jews, and infidels; Melimelli, prince of Tripoli,

or the Little Turtle, chief of the Miamis; barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and can trade. Name, however, but England, and all our antipathies are up in arms against her; against those whose blood runs in our veins; those in common with whom we can claim Shakspeare, and Newton, and Chatham for our countrymen; against our fellow-Protestants, identified in blood, in language, in religion with ourselves; whose form of government is the freest on earth, our own only excepted, and from whom all the valuable parts of even our own have been borrowed—representation, trial by jury, voting the supplies, writ of habeas corpus, our whole civil and criminal jurisprudence. In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America, learn those principles of civil liberty so nobly asserted by their wisdom and valor, but not more zealously maintained by those great men and their compatriots than by Chatham and his illustrious associates in the British Parliament? For in that struggle, it ought to be remembered, the heart of the British people was with us, as much opposed as we to a selfish and corrupt ministry and their servile tools. Devoutly is it to be hoped that no similar ministry may ever be found among us, since there never will be wanting tools to subserve the purposes of kings and ministers of state, however ruinous or wicked.

"Much is to be allowed for just and honest prejudices growing out of the Revolution. But by whom have those prejudices been suppressed when they ran counter to the interests of the country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons from the jails of Paris, Newgate, and

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Kilmainham, who in this abused and insulted country have set up for political teachers, but who give no other proof of progress in Republicanism except a blind devotion to the most ruthless military despotism which the world ever saw. These are the patriots who scruple not to brand with the epithet of Tory the men"—this was spoken with a look at Colonel Philip Stewart, an officer of the Revolution, one of the new Federal members from Maryland—"by whose blood your liberties have been cemented. These are they who hold in such keen remembrance the outrages of the British armies, from which many of them were deserters. Ask these self-styled patriots where they were during the war of the Revolution (for they are most of them old enough to have borne arms), and you strike them dumb; their lips are closed in eternal silence.

"But the outrages and injuries of England! Bred up in the principles of the Revolution, I can never palliate, much less defend them. Though I must now be content to be called a Tory by patriots of the last importation, I can well remember, and the impression is indelible on my memory, flying from Arnold and Phillips with my mother and her new-born babe, driven from pillar to post by Tarleton and the British Pandoors, while her husband and my father was fighting the battles of his country. But are we to get rid of one evil, supposing that possible, at the expense of a greater one? Suppose France in possession of the British naval power—and to her the trident must pass should England be unable to wield it—what would be your condition then? What would be the situation of your sea-ports and your sea-faring population? Ask Hamburg; ask Lubec; ask Savannah. If French privateers, pent up in our harbors by the British bull-dogs, and receiving at our hands

every right of hospitality, from which their enemy is excluded, capture within our waters American vessels—such being their deportment under such circumstances, what could we expect were they the uncontrolled lords of the ocean? Had those privateers at Savannah borne British commissions, or had your shipments of cotton, tobacco, ashes, or what not, to London or Liverpool, been confiscated, and the proceeds put into the English exchequer, my life upon it, you would never have listened to any miserable wire-drawn distinctions between 'orders and decrees affecting our neutral rights,' and 'municipal decrees' confiscating in a mass your whole property. The whole land would have blazed out in instant war! 1811.

"And shall Republicans become the instruments of him who has superseded the title of Attila to be called the scourge of God? If, instead of being as I am, my memory clouded, my intellect stupefied, my strength and spirits exhausted, I had the completest command of my faculties, I should still fail to give utterance to that strong detestation which I feel toward such characters as Genghis, Tamerlane, Kouli Khan, and Bonaparte, malefactors of the human race, who grind down men into mere material of their impious and bloody ambition! Yet, under all the accumulated wrongs, and insults, and robberies of the last of these chieftains, we are about to become a party to his views, a partner in his wars!"

No attempt was made at a general reply to Randolph, though several who followed ventured an occasional side-thrust. Among these speakers was Calhoun, who now exhibited, for the first time, that dexterous logic which, under cover of a resort to first principles, always furnished him with ingenious and original arguments in favor of any view which the feelings or interest of the moment might prompt. He insisted that it was a prin-

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ciple of honor, as applicable to nations as to individuals, to repel a first insult.

1811. But when, asked Stanford, of North Carolina, an old Republican, a member of the House since 1797—when, on that principle, should we have a moment's peace? If the country were invaded or attacked, it must be defended; all agreed to that. But the war proposed was an offensive war, which a nation young and growing, like ours, ought not to venture upon, thus putting to hazard the very rights for which it was proposed to fight.

Some of the more moderate Democrats, while they declared their intention to support the resolutions, protested against being pledged thereby to any ulterior measures. The Federalists said but little. Preparation for war had always been a part of their political creed; and, accustomed as they had been to the Jeffersonian policy, they could not believe, though a winter invasion of Canada was talked of, that war was really intended.

Dec. 19 The resolutions were all adopted, twenty-two being the highest vote in the negative; and committees were appointed to bring in bills.

Already the Smith party in the Senate, anxious to signalize their zeal, had hurried through a bill for frontier rangers, another for filling up the ranks of the existing army, and a third for raising, not 10,000 additional men, all the administration wanted, but 25,000, to serve for five years, or till discharged. This larger number had been urged by Giles in a speech evincing much bitterness, if not against Madison, certainly against Gallatin. In the House, Lowndes and Clay advocated the larger number. Clay intimated distinctly that war was near, and he gave expression to his zeal and confidence by the extravagant boast that although Boston, New York, Philadelphia, every Atlantic sea-port should fall into the

hands of the enemy—although the whole country east of the Alleghanies should be invaded, and one or more state sovereignties be annihilated, yet that, in the hands of the patriots of the West, the Union and the national government would still be safe. Such were the risks which the war men freely professed themselves ready to encounter. These bills for increasing the armed force speedily passed the House. That for 25,000 additional regulars, provided for the appointment of two major generals and of five additional brigadiers. The inducement held out to recruits was a bounty of sixteen dollars, and at the time of discharge three months' extra pay and a hundred and sixty acres of land. Two dollars for every recruit was also to be paid to the enlisting officer. Another act shortly followed, appropriating $1,500,000 for the purchase of arms, ordnance, camp equipage, and quarter-masters' stores, and $400,000 for powder, ordnance, and small arms for the navy.

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Meanwhile, as the state Legislatures successively met, resolutions came in from Pennsylvania, Georgia, Kentucky, Virginia, New Jersey, and Ohio, promising to stand by the general government in decisive measures. The same spirit was evinced in a very warm reply to the opening speech of Governor Gerry, by the Massachusetts House of Representatives, again in session—a paper in which Great Britain was denounced as a "piratical state;" her practice of impressment as "man-stealing;" and the opponents of the administration as "inceptive traitors," "domestic partisans of a foreign power."

Thus sustained, the violent faction hurried through a new act, authorizing the president to accept, and, any time within two years, to employ 50,000 twelve months' volunteers, to be armed by the United States, but to clothe themselves, and, if mounted, to provide their own

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horses, for which they were to be allowed a sum of money. Much controversy arose whether these volunteers ought to be regarded as militia or as regulars. In the authority given to them to choose their own officers under the state laws, the former idea seemed to prevail. There was also a good deal of debate whether the president had a right to march the militia beyond the limits of the United States. Giles and Cheves contended strongly that he had; but the decided current of opinion was the other way. It seemed, however, to be taken for granted among the administration men that the volunteers might agree to obey such orders, while the Federalists contended that, being a part of the militia, it would be illegal to march them out of the country, even with their own consent.

In addition to these volunteers, great reliance, in case of hostilities, was placed on the ordinary militia. To secure greater efficiency, the attempt, so often defeated, was again renewed, to divide this force into three classes, according to age, to be made liable to different degrees of duty, and to arm the whole at the expense of the United States. This plan, especially the arming, was zealously supported by many Southern members; the more so, as the militia in that part of the Union were very ill provided with arms. The Northern members replied that all the arms on hand would be quite few enough for actual use. In fact, the whole supply did not exceed 200,000 stand. As to the proposed classification, its beneficial effects at the South, where the present organization was very imperfect, was wholly problematical; while at the North there would be great danger in disturbing the present tolerable organization, with no certainty that the new scheme would succeed. These objections defeated the bill by a close vote. Two other acts were presently

passed, one establishing a quarter-master's department, the other appropriating half a million for coast defense.

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The report of Cheves, as chairman of the Naval Committee, completely adopted the Federal doctrines on that subject. After undertaking to answer all the old Republican objections to a navy, it closed by recommending a dock for repairs, a standing appropriation for the purchase of timber, and the building of ten additional frigates. Lowndes and Cheves even hinted in their speeches at a navy of forty frigates and twenty-five ships of the line. But the party was not yet prepared for so sudden a summerset. It was in vain that Lowndes and Cheves urged that protection to commerce was protection to agriculture. It was in vain that Quincy argued that to protect commerce was essential to the preservation of the Union, since the commercial states could not be expected to submit to the deliberate and systematic sacrifice of their most important interests. The dock and the new frigates were struck out, and the bill, as it went to the Senate, contained only an appropriation of $480,000, for repairing and fitting out the Constellation, Chesapeake, and Adams frigates, with $200,000 annually for three years toward buying timber for rebuilding three other frigates of the old navy, too rotten to be repaired.

June 27

In the Senate, Lloyd moved to insert an appropriation for twenty new frigates. Though opposed to war, he was, he said, "no partisan of Great Britain, in opposition to the interests or feelings of his own country. He derived no pleasure from the bitter, sarcastic retorts of Canning. He did not admire the diplomatic maneuverings and evasions of Wellesley. The orders in council were, in his opinion, equally indefensible, whether attempted to be supported on the ground of retaliation or of self-preservation. Did their justification depend merely on the

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non-repeal of the French decrees, they might then, indeed, well enough stand, since every arrival from Europe brought news of fresh seizures and condemnations of American vessels under color of those very edicts of which the repeal was so boldly alleged.

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"If, however, the nation was determined to fight, to make any impression on England we must have a navy. Give us thirty swift-sailing, well-appointed frigates. In line-of-battle ships and fleet engagements, skill and experience would decide the victory. We are not ripe for them. But bolt together a British and an American frigate, side to side, and though we should lose sometimes, we should win as often. Give us this little fleet. Place your navy department under an able and spirited administration; cashier every officer who strikes his flag; and you will soon have a good account of your navy. This may be thought a hard tenure of service; but, hard or easy, he would engage in five weeks, yes, in five days, to officer this fleet from New England alone.

"Give us this little fleet, and in a quarter of the time in which you would operate upon her in any other way, we would bring Great Britain to terms. To terms, not to your feet. No sir! Great Britain is, at this moment, the most colossal power the world ever saw. It is true, she has an enormous national debt. Her daily expendi-

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ture would, in six short weeks, wipe off all we owe. But will these mill-stones sink her? Will they subject her to the power of France? No, sir! let the bubble burst to-morrow; destroy the fragile basis on which her public credit stands; sponge her national debt; cut the throats of her royal family; and, dreadful as would be the process, she would rise with renewed vigor from the fall, and present to her enemy a more imposing, irresistible front than ever. No, sir! Great Britain can not be

subjected by France. The genius of her institutions, the genuine game-cock, bull-dog spirit of her people, will lift her head above the waves long after the dynasty of Bonaparte, and the ill-gotten power of France, acquired by plunder, perfidy, and usurpation, shall, like the image of the prophet's dream, have crumbled into atoms!

"From this belief I acknowledge I derive a satisfaction. In New England our blood is unmixed. We are the direct descendants of Englishmen. We are natives of the soil. In the Legislature, now in session, of the once powerful and still respectable State of Massachusetts, composed of more than seven hundred members, to my knowledge, not a single foreigner holds a seat. As Great Britain wrongs us, I would fight her. Yet I should be worse than a barbarian did I not rejoice that the sepulchers of our forefathers, which are in that country, shall remain unsacked, and their coffins rest undisturbed by the unhallowed rapacity of the Goths and Saracens of modern Europe.

"Let us have these thirty frigates. Powerful as Great Britain is, she could not blockade them; with our hazardous shores, and tempestuous northwest gales from November to March, all the navies in the world could not blockade them. Divide them into six squadrons. Place those squadrons in the northern ports, ready for sea; and at favorable moments we would pounce upon her West India islands, repeating the game of De Grasse and D'Estaing in '79 and '80. By the time she was ready to meet us there, we would be round Cape Horn, cutting up her whalemen. Pursued thither, we would skim away to the Indian Seas, and would give an account of her China and Indian ships very different from that of the French cruisers. Now we would follow her Quebec, and now her Jamaica convoys; sometimes make our ap-

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pearance in the chops of the Channel, and even sometimes wind north about into the Baltic. It would require a hundred British frigates to watch the movements of these thirty.

"Such are the means by which I would bring Great Britain to her senses. By harassing her commerce with this fleet, we could make the people ask the government why they continued to violate our rights; whether it were for her interest to sever the chief tie between her and us, by compelling us to become a manufacturing people—and on this head we could already make an exhibition that would astonish both friends and foes; what she was to gain by forcing us to become prematurely a naval power, destined, one day or other, to dispute with her the scepter of the ocean? We could, in short, bring the people to ask the government for whose benefit is this war? And the moment this is brought about on both sides of the water, the business is finished; you would only have to agree on fair and equal terms of peace.

"The regulars and volunteers already voted would cost, to maintain them in service, not less than forty-five millions a year; and the best we could expect from a three years' war by land would be to leave off where we began, with an additional debt of a hundred and thirty millions. Such a fleet as I propose, counting the existing force as equivalent to ten frigates, might be built, equipped, manned, and maintained in service for three years for less than forty millions, leaving surplus enough over one year's expenses of a land war to replace all the ships that might be captured or lost. Such is the only sort of war, one tending to procure a speedy and favorable peace, for which I can consent to tax my constituents.

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'Most unquestionably peace is the polar star of the policy and the interests of this country. It should be maintained at every cost short of essential sacrifice. It is no disgrace for an infant not to contend with a giant. If all the energy and force of the nation can not be concentrated to carry on the war, let us record our wrongs, make the best of the existing state of things, and, when we have the ability, punish the aggressors to the last letter of the alphabet.

"But if we are to go to war, give us a navy. If, with our commerce abandoned and our navigation swept from the face of the ocean, our houses are to be battered about our ears, and we, at the same time, denied those means of defense which the God of nature has given to us, and which we know how to use, then, indeed, the northern section of this Union will be little better off than the colony of Jamaica, and there will be room to suspect that, forms apart, we have as little influence in the councils of this government as we have on those of Great Britain."

It was in vain for Lloyd to attempt that in which Cheves and Lowndes had failed. After an elaborate reply from Crawford, the Senate not only refused to sanction Lloyd's amendment, but they reduced the appropriation for repairs to $300,000.

Lloyd, as we have seen, had calculated the expense of the new establishments at forty-five millions a year; moderately enough, as the result showed. The Committee on Ways and Means, with Bacon at the head of it, had ridiculously under-estimated the cost at ten millions. Conscious of the burden which war would impose on his shoulders, no man in the country was perhaps more sincerely opposed to hostilities than Gallatin. Yet his financial report at the commencement of the session had

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given a decided impulse to the war fever. The treasury had gained so much by the short season of unrestrained importation, that all the demands for the year 1811, even the reimbursement of the temporary loan of the previous year, could be met out of the current receipts, leaving a balance of three millions in the treasury, and revenue bonds to the amount of seven millions and a half. From lands and miscellaneous sources $700,000 might be expected, and from current payments at the custom-houses enough to meet debentures and expenses; but under the existing commercial restrictions, the future revenue from customs could not be calculated at more than six millions annually. The ordinary expenses of the government, including interest on the public debt, now reduced to $2,221,000, and a million annually to meet the installments of principal, amounted to ten millions and a half. To make good this deficiency, the secretary recommended an increase of one half in the existing rate of duties, and, should more be wanted, the reimposition of the duty on salt, and a "proper selection of moderate internal taxes." As if to make this recommendation more palatable, he very incautiously ventured to renew his former assurances, that if the ordinary revenue and the interest on the public debt were thus provided for, he should be able to meet entirely by loans any extraordinary expenses, even those of war itself; and he cited as proof that this could be done, his having paid off, in the eleven years of his secretaryship, forty-nine millions of public debt.

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Jan. 4. But when applied to, some six weeks after, on the subject of the ten millions needed for the new expenses, Gallatin found himself obliged to present things in a very different light. He informed the Committee of Ways and Means that his project of 1808, for the prosecution

of a war by loans only, must be taken in connection with his recommendation then made to double the existing duties. Had that recommendation been adopted, there would now have been a balance of twenty millions in the treasury. He had also then reason to suppose that the Bank of the United States would have been re-chartered. Had that been done on the plan he had suggested, there would have been a sure resource for loans to the extent of fifteen millions. To borrow elsewhere was an untried experiment, and, to give it the least chance of success, taxes must be provided for paying the interest. His recent calculation of six millions from customs had been based on an expected continuation of peace. A war would probably reduce that source of income to two millions and a half, or five millions if the duties were doubled. Allow $600,000 for lands, and $400,000 for the restored duty on salt, there would still be needed, even without any provision for reimbursement of debt, but including the interest on the ten millions to be borrowed, upwards of four millions annually. To cover this deficiency, new taxes to the amount of five millions ought at once to be imposed. He suggested a direct tax of two millions, and, to raise the other three millions, certain stamp duties, internal taxes on spirits and their sale, on refined sugar, sales at auction, and carriages.

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This report, when communicated to the House, greatly disturbed the equanimity of the war party. Gallatin's enemies assailed him with new fury. He was charged in the leading war papers with having artfully drawn up this report for the express purpose of alarming the people, and of throwing a damper on the patriotic spirit of the country. It was strange, indeed, so they intimated, if such a famous financier, so long the pride and boast of the Republican party, could not devise some better

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means of raising money than the re-adoption of the cast-off anti-Democratic schemes of Hamilton and Wolcott.

1812. The loan, increased to eleven millions, was speedily agreed to; but it was only after a warm debate, and on the suggestion that otherwise the loan could not be raised, that the resolutions in favor of the taxes were forced through. Bills founded on these resolutions were

.h 2. ordered to be brought in; but the House evinced little disposition to act on them.

rch 9. So stood affairs when the president made a communication to Congress which produced a great but momentary excitement. The hero of it was one John Henry, an Irish adventurer, but a naturalized citizen, and long a resident in the United States—once editor of one of the Philadelphia papers, then a wine-dealer in that city, and afterwards a captain in the army of 1798. Subsequently, according to his own account, he had purchased an estate in Vermont, near the Canada line, and had there studied law for five years without stirring from home, but amusing himself, as he detested Republican government, by filling the newspapers with essays against it. These essays, so he stated, had attracted the attention of Sir James Craig, the governor of Canada, who invited him to Montreal, and had sent him on a mission to Boston early in 1809, at the period of the embargo, when it was thought the United States might declare war against England, to ascertain, as appeared from Craig's letter of instructions, the true state of affairs, and the temper of the people in that part of the Union; and especially whether the Federalists of that state, should they prevail at the approaching election, would be disposed to separate from the Union, or to enter into any connection with England. Should any such disposition appear, Henry was authorized to intimate that the Brit-

ish government might be communicated with through him; and, should the prospect seem promising, to exhibit these instructions as his credentials. By way of inducement to embark in this mission, a letter had been addressed to Henry by the governor's secretary, suggesting that his able execution of it would establish for him a claim to the gratitude not only of Governor Craig, but of the British government also.

Passing through Vermont, Henry had proceeded to Boston, where he arrived March 5, 1809. He had remained about three months, spending his time, it would seem, chiefly in coffee-houses and brothels, till the apparent settlement of affairs by Erskine's arrangement, and a letter of recall from Craig's secretary, put an end to the mission. In the course of it, he had addressed to that same secretary fourteen letters, one or two from Vermont, but most of them from Boston, filled with accounts of the extreme discontent at the existing commercial restrictions. In case of a declaration of war against England, which, however, he wrote, nobody expected, he was of opinion that the Legislature of Massachusetts would take the lead in setting up a separate Northern Confederation, which might, perhaps, result in some connection with Great Britain; but as matters stood, the Federalists confined themselves to the ordinary routine of opposition—a withdrawal from the Union being a very unpopular idea, and not contemplated if it could be possibly avoided. From what source Henry derived this information, by his own statement merely conjectural, did not appear. No names were mentioned; and it would seem, from one of his letters, that he had not avowed to anybody in Boston, not even to the British consul, his diplomatic character.

Henry had lately visited England; but, on applying

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to Wellesley for a reward for his services, he had been referred back, in a letter from Mr. Under-secretary Peel, to Craig's successor in the Canadian government, as better able to appreciate the ability and success with which his mission had been executed. Not relishing the being turned off in this way, instead of going back to Canada, Henry had landed at Boston, accompanied by a Frenchman, who called himself Count Crillon, but who proved afterwards to be an impostor and swindler. Having visited Governor Gerry, and obtained from him a letter of introduction to Madison, he had proceeded to

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Washington, where he remained, keeping himself secluded in the daytime, for ten days. Madison then paid him, out of the secret service fund, $50,000, with which he instantly departed; and, on the day of the president's

March 9.

communication to Congress, sailed from New York for France in the sloop-of-war Wasp, bound to Europe with diplomatic dispatches.

His revelations were prefaced by a letter, dated at Philadelphia, February 20th, in which, having already received the money, about which nothing was said to Congress, he offered to make a "voluntary disclosure." They consisted of his letter of instructions from Craig, his correspondence with Craig's secretary, and that in England with Peel as to his claim of reward. Madison's paying so much for these papers, if he knew beforehand how little they really contained (which is doubtful), can only be explained by his desire to aid the administration party of Massachusetts in the approaching election, by exciting suspicions against the Federalists, as well as odium against the British government, charged, in his message communicating the documents, with having engaged, in time of peace, in a base intrigue for the purpose of destroying the Union, and forming a political

connection with the eastern part of it. But as these papers mentioned no names, and stated no acts; as their imputations related only to what it was supposed might be done under a conjectural state of circumstances; as the Federalists, in and out of Congress, indignantly denied any knowledge of any scheme of disunion; and as the president, upon a call for information, much pressed by the Federalists, declared that he had no more, the excitement, at first very great, speedily died away.

In the discussions on this affair in the British Parliament, soon after the Henry papers reached London, the ministry denied having known any thing of Henry's mission till it was all over. As to Craig's action in the matter, taken on his own responsibility, they maintained that, so far from attempting to stir up insurrection, or to bring about a severance of the American Union, as had been alleged, he had only done what the doubtful state of affairs, and the danger of his province, made perfectly proper—sent an agent to Boston to obtain information.

Nor was the expected effect produced in Massachusetts. The Democrats had, indeed, attempted to perpetuate their power by a new arrangement of the Senate districts, contiguity and compactness having been entirely sacrificed in an attempt to secure to a minority of the whole number of voters the choice of a majority of the senators. This "Gerrymandering" process, as the Federalists called it—and the word still maintains its place in the American vocabulary—gave occasion to loud complaints. Nor did the governor's urgency against the licentiousness of the press, and his attack upon a judge of the Supreme Court for having laid it down as the law of Massachusetts that the conduct of magistrates was a lawful subject of comment, upon which indictments for

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libel would not lie, tend, perhaps, to add to the real strength of the party. Dropping Gore, upon whom the stigma rested of being of the Essex Junto, and substituting their old candidate Strong, a man of the Revolution as well as Gerry, the Federalists, after a very vehement struggle, elected him by a plurality of 1600 out of 104,000 votes. The Republicans, by the help of their Gerrymandered districts, secured a large majority of the Senate; but in the election shortly after for members of the House, the triumph of the Federalists was very decisive.

The politics of New York, at this moment, were even more an object of interest at Washington than those of Massachusetts. The winding up of the Bank of the United States, and the failure to procure a charter in Pennsylvania, again unsuccessfully attempted the past winter, had led to an application to the New York Legislature to establish a proposed "Bank of America" in the city of New York, with a capital of six millions of dollars, a right to be reserved to the stockholders in the late Bank of the United States to subscribe five millions of it. Notwithstanding the offer of a bonus of $600,000, Governor Tompkins was vehemently opposed to this project. De Witt Clinton declared himself opposed to the new bank, but thought the question of its charter ought not to be made a party test. Clinton had his eye on the presidency, for which he meant to obtain a nomination from the New York Legislature at its present session; and a promise of support from the friends of the bank was understood to be the price of his neutrality. Solomon Southwick, editor of the Albany Register, then the leading Democratic paper in the state, and some other active Democrats, were very zealous for the bank; bought up, as was alleged, and, indeed, afterward proved as to

some of them, who were also accused of holding out to members of the Legislature similar corrupt inducements. By this combination of influences the charter passed the House, all the Federalists and a part of the Republicans voting for it. As it was certain to pass the Senate also, Tompkins resorted to an extraordinary power, which the Constitution of New York, as it then stood, had conferred upon the governor, (but never exercised except in this single instance,) of proroguing the Legislature for sixty days, giving as a reason that attempts had been made to bribe the members. The nomination of Clinton was postponed also, as the friends of the bank would not go into caucus until the charter had finally passed.

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A Virginia legislative caucus had already nominated presidential electors, with a view to Madison's re-election. Imitative Pennsylvania had followed the example. But the leaders of the war party at Washington refused to accept Madison as the Republican candidate, unless he would first commit himself decidedly to war. The congressional caucus was accordingly delayed, by way of intimation that it might, perhaps, become necessary to select some other person. Madison was thus placed in a most painful position. His own sober judgment and that of Gallatin, his most confidential adviser, were altogether against war. Their mature experience, unimpassioned tempers, and unenterprising dispositions, had little in common with the enthusiasm of the young war leaders. They knew well how the quasi war of 1798, with its army, navy, taxes, and eight per cent. loans, had contributed to break down the old Federal party; and they listened, not without serious alarm, to the prophecies of Randolph, Macon, and other old-school Republicans, of a similar result likely to follow now. Both on patriotic and party grounds they looked forward to war

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with no little dread. On the other hand, the Aurora, the Baltimore Whig (Smith's organ), and other influential newspapers, were filled with constant flings at the feebleness and irresolution of the administration. Not only did De Witt Clinton stand ready to accept a nomination at the hands of the war party, but even Monroe, notwithstanding Madison's recent reconciliation with him and his present seat in the cabinet, might prove, on the ground formerly taken of his superior vigor and energy, a still more formidable competitor.

We greatly miss, at this important crisis, light like that shed on the motives of the Federalists of 1798 by the published collections of their private letters; nor is it likely that the conduct of Madison and Gallatin will ever be so cleared up. The idea of being ignominiously thrown overboard by the upstart and imperious leaders of the war party, must, no doubt, have been in the highest degree mortifying to these veteran politicians, to whom habit had rendered official station almost a necessary of life. What a triumph, too, would it give to the Federalists, who had all along predicted war as the necessary result of the Jeffersonian policy? On the other hand, Madison and Gallatin might find excuse for submitting their own better judgment to the storm of popular passion, in the Republican doctrine of the right of the majority to rule; and they might hope, by still clinging to the helm, to diminish the calamities to which the country and the Republican party might be exposed, under more reckless and less experienced leadership.

Whatever might have been Madison's motives, this at least is certain, that, yielding to the urgency of the war party, he reluctantly consented to take the leadership in

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a new step toward war—a confidential message to Con-

gress, recommending, "under existing circumstances and prospects," an embargo for sixty days. CHAPTER XXIV.

A bill for that purpose was accordingly introduced by Calhoun, who had become, by Porter's withdrawal, chairman of the Committee on Foreign Relations. To an inquiry in Committee of the Whole whether this bill were really intended as a precurser to war, Grundy replied that it was. As a peace measure, it would never have been recommended either by the president or by the committee. A New York member wished to know what was the situation of our fortresses, and our preparations generally. He referred to a letter of Judge Livingston's, in which it was stated that the forts at New York had neither cannon nor men; to which Clay replied, with great vehemence, that he did not want, on this subject, Brockholst Livingston's opinions, or those of any body else. Gentlemen who said so much about want of preparations were really opposed to war. He viewed the embargo as a war measure, and should support it as such; and war we should have in sixty days. After the injuries we had received, the stand we had taken, the pledges we had given, was Congress, by now yielding, to cover itself with indelible disgrace? The conduct of France in burning our vessels—a new and very flagrant instance of which had just been reported—did not cause him the least embarrassment. That might be a subject for further consideration. Weak as we were said to be, we could fight France, too, if necessary. He had no doubt that the late Indian war on the Wabash had been excited by the British. What was to be thought of the sending an emissary to one of our principal cities to excite a civil war? We had complete proof that Great Britain would do every thing to destroy us; and resolution and spirit were our only security. War, after all, was not 1812.

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so terrible a thing. There was no terror in it except its novelty. He acknowledged some warmth of feeling, but in that he took pride; and such gentlemen as chose to call these sentiments Quixotic, he pitied for their deficient sense of honor.

Randolph, who was also a member of the Committee on Foreign Relation, conjured the House, in God's name, to take care what they did. This was not a measure of the executive. In an interview with the committee, Monroe had gone no further than to state that, if it would be agreeable to the House, the president was willing to recommend an embargo, since it would still leave in our hands the policy to be pursued as well toward France as toward Great Britain. The utmost length to which the president went was, that war ought to be declared before Congress adjourned, unless Great Britain recalled her orders. He could tell the honorable speaker, that we should not have war at the end of sixty days, and for this reason—the executive dare not plunge the nation into a war in our present unprepared state. He had too much reliance on the president's wisdom and virtue to believe him capable of such gross and unparalleled treason. This embargo was too high a price to pay for the consistency of gentlemen who think they have gone too far to recede. Are the majority, goaded on by the presses, to declare war, to prepare the people for that step by first bringing them to this embargo whipping-post to excite their spirit? If the spirit of the people were up to war, there would be no need of these provocatives, nor for having spent the last five months in idle debate.

The bill, after a vain attempt to double the period, was reported to the House, and, by the help of the previous question—which, having been brought into use in

the last Congress, by a sort of violent usurpation, had been regularly sanctioned in the present one by an amendment of the rules—was forced through that same evening, 70 to 41. The Senate the next day suspended all rules, and carried the bill through all its stages but the last, with an amendment, however, increasing the time to ninety days. This amendment, sent back on the morrow, was concurred in by the House after some debate, again cut short by the previous question. The act, as passed, prohibited the sailing of any vessel for any foreign port, except foreign vessels, with such cargoes as they had on board when notified of the act.

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Quincy declared, when the bill came back from the Senate, that he saw in this embargo, not a preliminary to war, but an attempt to escape from it. Instead of the promised "war feast," we had only the old dish of commercial restrictions. He could not believe it possible that, with only a thousand recruits added to the army in the last five months, during which they had been raising armies on paper, and with only six thousand regular soldiers, old and new, the administration meant to go to war in three months. The gentleman who said so no doubt thought so, but the deductions of common sense did not allow him to believe it. A navy in ninety days was out of the question; and the project of arming merchant vessels seemed to have been dropped. The embargo, he thought, was intended—and Randolph had already suggested the same thing—to serve the interests of Bonaparte, by stopping the shipment of provisions to Spain, where the British armies were beginning to be triumphant.

Dr. Mitchill declared that he knew the British well, having been educated among them. They were a proud, overbearing nation, who thought they had a right to de-

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spise us because we were not united enough to fight them. With a population of seven millions, we ought not to be frightened by political screech-owls. He was happy to see those about him (alluding to Sevier, Findley, Macon, Stuart, and others) who had dared, in 1775, to enter into a similar conflict when we had a population of only three millions. We need not fear to face a nation whose head—the prince-regent, afterward George IV.—had been, some years before, expelled from a jockey-club for cheating, and had been lately turned out of doors for his unworthy conduct to a neighbor's wife; a sally received by the war party with clapping of hands.

Notwithstanding the injunction of secrecy, and pending the action of the Senate upon the embargo, an account of the proceedings and vote in the House appeared in an Alexandria paper. The Committee on Foreign Relations, authorized to inquire into this matter, reported that the responsibility of this publication rested with the editor of the Alexandria Herald, who confessed having obtained his information from certain members of the House; but as he had refused to tell from whom, he had been committed, by their order, to the custody of the sergeant-at arms. Brought before the House, he again refused to answer, and was recommitted. In the course of the debate that followed, Calhoun stated that when the embargo had been first suggested in the Committee on Foreign Relations, Randolph had refused to submit to a pledge of secrecy. He had denied the committee's authority to impose it, or that the intended embargo was any secret in fact, as he had just returned from Baltimore in consequence of having heard there that it was to be laid—an intention, to his knowledge, known to the British consul, and to at least one leading mercantile house of that city. In consequence of Randolph's state-

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ment, not only had the proposed injunction not been adopted in committee, but Calhoun himself, that all, as he said, might stand on an equal footing, had, the day before the report was made, communicated the intention to make it to Quincy, and other representatives of mercantile districts. It appeared, indeed, before the case of the recusant editor was disposed of, that, availing themselves of this information, Quincy, Lloyd, and Emott of New York, had forwarded news of the intended embargo by express to Philadelphia, New York, and Boston; in consequence of which, by working night and day, a large number of vessels were loaded, and had escaped to sea before, by the course of the mails, news arrived of the passage of the act. Calhoun was not a little vexed at this unexpected result of his frankness; but, after this, it did not seem worth while to proceed against the editor; especially as Smilie stated that the information as to the vote of the House probably came from a conversation accidentally overheard between himself and a member detained at home by sickness. Yet the prisoner, to obtain his discharge, was obliged to purge his contempt by promising to answer questions, which the House, however, did not see fit to put.

The Embargo Act, to which a supplement was speedily added, prohibiting exportations by land whether of goods or specie, was followed by another, designed to assist in filling up the new regiments, authority being given to enlist fifteen thousand of the men for eighteen months instead of five years. To make good all deficiencies, the president was authorized to call on the states for their respective quotas of one hundred thousand militia. As a further inducement to enlistments, military whippings were abolished. A corps of artificers was added to the recently-established quarter-master's de-

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partment, the corps of engineers was re-organized, and an ordnance department established. The bill relating to the engineer corps relieved that body from the charge of the Military Academy at West Point, and established professorships for the constant instruction in the art of war, at the expense of the United States, of two hundred and fifty cadets. That school was thus placed on the basis desired by Washington fifteen years before, but of which Jefferson's constitutional scruples had then stood in the way—a most unfortunate circumstance, for which, in the prevailing deficiency of educated officers, the United States paid dearly in the war about to ensue.

The war party exulted over the embargo as the sure forerunner of hostilities. The friends of peace were greatly alarmed; yet they found it very difficult to believe that war was actually intended; and several proceedings in the House tended to confirm them in this idea. One

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was the passage to a third reading of a bill introduced by Wright, denouncing all persons as pirates and felons who might be engaged in impressing on the high seas any American seamen; authorizing resistance to the death; requiring the president to retaliate; and assigning to every impressed seamen thirty dollars per month for the period of his detention, to be levied on any British property found in the United States, or debt due to a British subject. If there was to be actual war, why such a bill as this?

Still more significant was the refusal of Congress to comply with Madison's special request for two additional bureaus to be added to the war department. According to Troup, the wretched organization of that department, a principal and eight clerks, without gradation of authority or distribution of duties, made it impossible even to get ready to begin a war. It was not additional clerks

that were wanted, but weight of character and knowledge of detail, which could not be had for $1500 a year. Thus pressed, the House passed a bill for two assistant secretaries of war; but the Smith faction in the Senate harangued against this division of responsibility, while the papers in their interest did not hesitate to ascribe the whole difficulty to the incapacity of Eustis, whom the president was loudly called upon to dismiss. It seems remarkable, indeed, that just upon the eve of a war, of which they professed themselves most ardent advocates, this senatorial faction should have taken the responsibility of defeating a bill which the president himself had so urgently pressed.

The peace men, secret and open, aided by a considerable number of the war party, came near carrying an adjournment, to give the members, weary with five months of warlike preparations, an opportunity to attend to their own affairs. The Senate actually voted to adjourn, first for forty, and then for twenty days; and it was only by a majority of eight or ten that the House refused to concur. The Federalists saw another omen of peace in the partial failure of the eleven million loan, which, instead of being rapidly filled up at the opening of the books, had been taken only to the amount of six millions, two-thirds subscribed by banks, and the other third by individuals. Yet, with this fact staring the war party in the face, nothing was done toward forwarding the new tax bills.

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But, whatever hesitation there might be in the cabinet, whatever irresolution on the part of many members of Congress, the new leaders were determined on war. Preparations for it were in their eyes of little consequence. Once plunge the country in, and preparations then would be absolutely necessary. To impose taxes

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before war was declared might cool the warlike ardor of the nation. When the war was once fairly commenced, taxes, if needed, would follow of course. Such was the policy openly avowed by the Aurora, and on it the war leaders evidently acted.

One difficulty, however, still remained. Though willing to sign a bill declaring war, Madison was very unwilling to take any further responsibility in bringing it on. But the leaders of the war party were inexorable. The war must not seem to be forced on the president; it must be, not their war—the war of a few young, hot-headed, upstart leaders—but his. A committee, headed by the imperious Clay, waited upon him with assurances to that effect. He must consent to recommend a declaration of war, or they would not support him as president.

To this hard condition Madison yielded; and, the preliminaries thus arranged, the congressional caucus was

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presently held. Eighty-two members were present. Varnum acted as president, and Richard M. Johnson as secretary. For president, Madison received the entire vote of the caucus. George Clinton, the late vice-president, had died a few weeks before, and for that office Langdon was nominated. He was already seventy-one years of age, and had lately retired from the government of his own state, where Plumer, a recruit from the Federal party, had just been chosen to succeed him. On the score of age and infirmities, Langdon declined the nomination, which, as a solace for his late defeat in Massachusetts, was subsequently bestowed on the aged Gerry, for whom sixteen votes had been given at the first caucus. The caucus re-enacted the old farce of resolving that they made the nominations only in their individual character; but they took a new step in advance, by appointing a committee of correspondence and arrangements, of one

for each state, to see that the nominations were duly respected. CHAPTER XXIV.

De Witt Clinton's position had been a good deal modified, not only by the selection of Madison as the war and congressional candidate, but by the triumph of the Federalists in the recent New York election, occasioned by alarm at the prospect of war. He still persevered, however, in his presidential aspirations, and his supporters in the New York Legislature still stood by him. His organ, the Columbian, thundered against Virginia dictation, and dwelt upon the fact that, by the new census and new apportionment, New York stood at the head of the states. When the prorogued Legislature again came together, in spite of reiterated charges of bribery and corruption, sustained by affidavits, and even by a conviction of bribery obtained against one of the bank lobby agents, the act incorporating the Bank of North America was passed by a decided majority, and approved by the Council of Revision, who seemed to regard rather the merits of the bill itself than the motives or conduct of some of its advocates. Oliver Wolcott, late of the Merchants' Bank, and former Secretary of the Treasury, became president, but it was found impossible to get the stock taken up on the terms proposed, and the succeeding Legislature reduced the capital from six to four millions, relinquished the right of the state to a loan of a million at five per cent., and cut down the bonus from $600,000 to $100,000, which was paid into the school fund. 1812.

As soon as the Bank of America had been chartered, a caucus of the Republican members was held, at which Clinton was nominated for the presidency, but not without a good deal of opposition from Erastus Root, late a member of Congress, and from the late chief justice and governor, Morgan Lewis, now a state senator, and just May 28

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appointed by Madison to the new office of Quarter-master General—a duty which he had discharged for Gates's army during Burgoyne's invasion. This opposition was zealously joined by all Clinton's old opponents in the city of New York, already known as the Tammany party. The old Burr party, stimulated by encouragement from Washington, was at the bottom of this opposition to Clinton. Van Ness, Burr's second in the duel with Hamilton, incapacitated as he was to hold any state office, was appointed about this time Federal judge for the district of New York. In the National Advocate, shortly after established, and edited by Henry Wheaton, the opponents of Clinton obtained an able newspaper organ.

The returning Hornet brought anxiously-expected dispatches from Barlow, on whose arrival at Paris, Russell had proceeded to London. Thus far his mission had been fruitless. He could hold out no promise either of indemnity for past spoliations or of any commercial relaxations for the future. He had, indeed, some faint expectation of obtaining by a treaty, with the idea of which he had from time to time been deluded, an express exemption of the United States from the maritime operation of the Berlin and Milan decrees. But the idea of such a treaty did not strike Madison's cabinet so favorably. They had all along maintained, and on that ground all their recent policy had been based, that as to the United States those decrees had ceased to exist. If so, what need to exempt the United States by treaty? Would not such a treaty go to confirm the assertions of the Federalists and the British ministry, that the United States had heretofore been deluded by a pretended repeal which did not exist? Meanwhile the argument against the fact of any such repeal was strengthened by a new report to the emperor made by the minister of foreign

affairs, and laid before the Conservative Senate—a paper brought out by the Hornet—in which the Berlin and Milan decrees were spoken of, without any reservation or exception, as the settled policy of the empire, to be enforced against all nations who should suffer their flags to be denationalized by submitting to the pretensions of the British of a right to seize enemy's goods in neutral vessels, to treat timber and naval stores as contraband, or to blockade ports not also invested by land. CHAPTER XXIV. 1812. March 10

If, however, the war party were a little mortified at Bonaparte's obstinacy in keeping himself quite as much in the wrong, to say the least of it, as did the English, they derived, however, a corresponding satisfaction from the equal obstinacy and equal extravagance of the British ministry in maintaining their favorite orders. The dissatisfaction of many British merchants with the license system, which opened a wide door to favoritism, and the pressure of the renewed non-importation, which began to be severely felt by the British manufacturers, had occasioned a motion by Brougham, now a member of Parliament, for an inquiry into those two subjects. In the debate which ensued, the reputed fathers of the orders in council, Rose and Stephen—the latter the author of "War in Disguise," by which the first impulse had been given to the late monopolizing policy of Great Britain—openly placed the defense of those orders on purely commercial grounds. Should they be repealed, France would be able to supply herself with raw materials through the agency of American vessels, and by the same agency to distribute her manufactures through the world, thus destroying the commercial and manufacturing monopoly which alone furnished Great Britain with the pecuniary means of sustaining the war.

Canning, not now a member of the cabinet, piqued at

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these over-frank disclosures, begged leave to remind these gentlemen that the original issue of the orders in council had been vindicated, not as a contrivance for securing a monopoly of manufactures as against France, and of the carrying trade as against the United States, but solely as a retaliation upon France for her illegal Berlin decree, justified, so far as neutrals were concerned, only by their submission to it. Percival, the prime minister, admitted that only on this ground of retaliation could the orders be sustained; but he also broached the same doctrine maintained by Foster in his correspondence with Monroe. The whole Continental system must, he said, be taken together. The exclusion of British goods from the Continent was not a mere municipal regulation, as had been alleged, but a war measure. Such being the case, Great Britain had the right, notwithstanding any merely incidental injury to neutrals, to persevere in her system of retaliation till Bonaparte's Continental scheme was entirely abandoned. The House, of course, sustained the minister, and Brougham's motion was voted down by a decided majority.

As no reason appeared in the accounts brought by the Hornet for any change of policy toward England, Madison reluctantly prepared to carry out his part of the presidential bargain. Randolph, from his membership of the Committee of Foreign Relations, became aware that a war message was coming. To judge of the future by the past, not only would the public be excluded from the discussion by the closing of the doors, but all debate most likely would be cut short by the previous question. He therefore attempted to anticipate matters, and for that purpose rose and commenced a speech. But, as soon as he began to approach the subject of war, he was called to order by Wright, who objected that no question was be-

May 29.

fore the House. Clay decided, however, that it had been usual to allow motions to be prefaced by a speech, and as Randolph proposed to conclude with a motion, he was allowed to go on. But he was soon stopped again by Calhoun, who insisted that, before proceeding, he should reduce his motion to writing, and obtain a second. This was required by the speaker, whereupon Randolph offered a motion that it was not expedient to go to war with Great Britain, copied verbatim from that famous one of Spriggs's, in 1798, against a war with France. Again, however, he was cut short by the objection that, previous to any discussion, the House must agree to consider his motion. This objection, too, was sustained by the speaker; and the House having refused to consider it, Randolph, so long accustomed to untrammeled license, was silenced and put down; not, however, without a warm protestation on his part, through the press, against this new contrivance of the new-fashioned Republicans for suppressing the freedom of debate, brought into use, as he alleged, for the first time in his case.

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Randolph thus disposed of, the president sent, a day or two after, a confidential message to Congress, in which he recapitulated all the causes of complaint against Great Britain; her impressments of our seamen; her infringements upon our maritime jurisdiction, and disturbance of the peace of our coasts; her paper blockades, unsupported by any adequate force; her violations of our neutral rights by her orders in council; and her inflexible determination to maintain those orders against all appeals to her justice; add to this her suspected instigation of Indian hostilities; and her conduct, taken together, would be found to amount to war as against us, while we remained at peace with her. Under these circumstances, it became the duty of the House to consider, as it was their

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constitutional right to decide, whether we should longer remain passive under these progressive and accumulated wrongs. But, while thus leading the way to war, as if to guard against the charge of French influence, so much dwelt upon by the Federalists, a caution was added against entanglement "in the contests and views of other powers." France not only refused all indemnity for former wrongs, but, notwithstanding "the repeal of her decrees as they violated the neutral rights of the United States," she still continued to authorize illegal captures of our ships, attended by the perpetration of other outrages. The recommendation, however, of any definitive measures with regard to her was deferred, in the expectation that the result of the unclosed negotiation at Paris would speedily enable Congress to decide with greater advantage on the course due to the rights, interest, and honor of the country.

May 31.

It would seem, from a letter of Jefferson's, written a day or two before, that Madison might have had some idea of following up the doctrine of Campbell's famous report on the embargo, in the authorship of which his own share was probably much larger than Campbell's, by recommending a declaration of war against both France and England at once. This idea, though not without a few chivalrous supporters in the House, was denounced by Jefferson, almost in the very language formerly used by the Federalists, as "a piece of sublimated impartiality," "a solecism worthy of Don Quixote only, that of a choice to fight two enemies at a time rather than to take them by succession."

Randolph moved to refer the president's message to a Committee of the Whole; but the House intrusted it to the Committee on Foreign Relations, from which, two days after, Calhoun made a report, an echo of the mes-

sage; the conclusion being arrived at that the mad ambition, lust of power, and commercial greediness of Great Britain were such as to force the United States into a contest for independence and sovereignty.

An attempt to open the doors having been defeated, Calhoun presented, as a part of his report, a bill declaring war against Great Britain. This bill was referred to a Committee of the Whole, who reported it back the next day, when M'Kee moved to include France also in the declaration of war—a proposition which received ten votes. The bill was then reported to the House, and passed. Pennsylvania and the states south and west gave 62 votes for it to 17 against it. The states north of Pennsylvania gave 17 votes for it to 32 against it. The entire vote stood 79 to 49. Thirteen Northern and two Southern Democrats voted in the negative; while of those who voted in the affirmative, quite a number did so only from reluctance to separate from their party.

June 4.

Several of the Republican senators were unwilling to vote for war. The Smith and Leib faction, who had very vehemently urged hostilities by way of embarrassing the administration, now suddenly changed their policy and aided to delay the passage of the bill. On reaching the Senate, it was referred to a committee already appointed on the president's message. That committee reported it back without alteration; but, after some debate, it was again recommitted, nominally for the addition of a clause authorizing the issue of letters of marque and reprisal. When the bill came back with this addition, Pope proposed that these reprisals should extend to French vessels also, a motion lost by only two votes. Upon this question of reprisals the bill hung for six days, greatly to the anxiety of the war party; for, though the doors of the Senate were closed, the subject of the de-

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bates was well known. In the interval arrived a memorial against war from the newly-elected Massachusetts House of Representatives, in which, out of seven

June 10. hundred members, the Federalists had a majority of near a hundred and fifty; also a memorial from the principal merchants of New York, of both parties, recommending persistence in the existing commercial restrictions as better than war. On the other hand, war meetings were held in Philadelphia and other places. After a motion

June 17. by Giles to substitute for the declaration of war, letters of marque and reprisal against both France and England, lost 14 to 18, the Smith faction found themselves obliged at last to yield, when the bill was passed, 19 to 13, Bradley, of Vermont, and Campbell, of Ohio, absent; Gilman, of New Hampshire, German, of New York, Lambert, of New Jersey, Worthington, of Ohio, Reed, of Maryland, and Pope, of Kentucky, out of sincere convictions against the policy of the war, voting with the Federalists against it.

June 18. The bill having been sent back to the House, the amendments of the Senate, after a vain attempt at postponement, were at once concurred in. The president put his approving signature to the parchment; the injunction of secrecy was removed; and the publication of the president's message, of Calhoun's report upon it, and of the act itself, announced to the anxious and expecting public, to multitudes the passionately wished-for, to other multitudes the dreaded and alarming intelligence, to all the solemn and serious fact of war declared against Great Britain.

The great point of the declaration of war thus settled, it remained only to provide the means to carry it on. As the filling up of the loan seemed very problematical, the issue was authorized of five millions of treasury notes,

to bear an interest of six per cent., and receivable for all treasury dues, on the credit of which the secretary was authorized to obtain temporary loans, or to pay out the notes themselves to such public creditors as might be willing to receive them at par. It was, indeed, poor encouragement for new subscriptions to the loan, and a striking evidence of the ignorant infatuation of the war majority, that no provision was made to meet the payment of the interest, nor even any sufficient provision for the expected deficit of the ordinary revenue. The import duties were indeed doubled, with ten per cent. additional on imports in foreign vessels; but the direct and internal taxes were postponed, the party leaders not daring to subject the popular disposition to so severe a test. An effort to repeal the Non-importation Act, thus opening the door, to essential supplies of blankets and clothing, and relieving the treasury also, while drawing into the country means which otherwise would remain locked up abroad, though favored by Gallatin, was defeated by a very close vote; a result accomplished by the joint efforts of the domestic manufacturers, who began now to be a political interest, and of those old embargo Republicans who still insisted on the vast efficacy of commercial restrictions. So far, indeed, from relaxing any thing on this point, the Non-importation Act was reenforced by another, subjecting to heavy penalties the transporting by land, to any of the neighboring British colonies, of any naval or military stores, arms, munitions, or provisions; requiring all vessels to give bonds not to trade with the enemy, which, if done under British license, was made punishable by fine and imprisonment; and, to prevent the change of British into neutral ships, prohibiting the entry of any neutral vessels, except those which were such at the commencement of the war, or, if built since, neutral built.

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Under an act consolidating the old army and the new levies, the regular force was to consist of twenty-five regiments of foot, four of artillery, two of dragoons, and one of riflemen; on paper, with the engineers and artificers, a total of 36,700 men. The actual force under arms consisted, however, at the declaration of war, of 10,000 men only, of whom about half were raw recruits. As the militia could only be called out for terms of three months at the utmost, they could hardly be relied upon except for garrison duty, and coast and frontier defense. To give greater efficiency to the volunteers, who seemed likely to become the chief resource for active operations, a new act authorized the president, with the consent, however, of the volunteers themselves, to organize them on the model of the regular army, and to appoint their officers. Another act was carried through, though not without great opposition from some who seemed to think the speedy conquest of Canada quite certain enough already, for the appointment of two more brigadiers and some additional staff-officers.

Jan. 27.

March 26

April 9.

The place of first major general, with the command of the Northern department, had been given to that petted favorite, Henry Dearborn, late Secretary of War, and, since Madison's accession, collector of the port of Boston, a lucrative post, kept in the family by his son's appointment to it. Thomas Pinkney, of South Carolina, formerly an active Federalist and candidate for the vice-presidency, and still maintaining the general views of that party, had been appointed to the second major generalship, with the command of the Southern department. Wilkinson, the senior brigadier, just acquitted by court-martial of the long-pending charges against him, had been sent to New Orleans to relieve Hampton, whose command there had been one constant scene of collision and turmoil

with his officers. Commissions as brigadiers, under the late acts, had been given to Bloomfield, governor of New Jersey, to James Winchester, of Tennessee, and to Hull, governor of the Michigan Territory. One had been offered to William Polk, a North Carolina Federalist, but, as he declined to accept it, his place was presently supplied by Thomas Flourney, of Georgia. Armstrong, late embassador to France, also received a commission as brigadier in place of the deceased Gansevoort. The appointment of John Chandler, of Maine, soon followed. Morgan Lewis, the quarter-master general, and Alexander Smythe, of Virginia, late colonel of the rifles, appointed inspector general, had also the rank of brigadiers. The adjutant generalship, refused by North, of New York, another Federalist, adjutant general of the army of '98, was given to Cushing, colonel of the second regiment. Most or all of these officers, taken pretty equally from the North and the South, had seen service during the Revolution, some of them as commanders of regiments, but, with the exception of Wilkinson, and Cushing, and for the last four years of Hampton and Smythe, they had all been civilians for more than thirty years, and were indebted for their present appointments rather to political than to military considerations. Of the inferior officers of the old army, presently distinguished, Alexander Macomb, of the engineers, was now made a colonel, and Winfield Scott and Edmund Gaines lieutenant colonels. A lieutenant colonelcy in one of the new regiments had been given to Eleazur W. Ripley, a young Democrat from Maine, who had succeeded Story as speaker of the late Democratic Massachusetts House of Representatives. Ripley's subsequent conduct justified this appointment; but the colonel of that same regiment was afterwards cashiered for peculation; and

April 8.

June 18.

July 4.

July 6

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as few of the new regimental officers had any military knowledge, so numbers of them were quite destitute of those qualities, without which even that knowledge would have been of little avail.

The only other acts deemed necessary for the furtherance of the war were, one for regulating privateers,

June 26.

July 5, 6.

and others appropriating an additional $500,000 for coast defense, $900,000 for naval repairs and equipments, and $100,000 for expenses attending the custody and exchange of prisoners.

The Constitution of the new State of LOUISIANA, already admitted, by an act for that purpose, into the Union, gave the right of suffrage to all adult white tax-paying male citizens residents for one year. State representatives were to be chosen for two years, and senators for four years; and, in order to preserve an equality of representation, there was to be, at the end of every fourth year, a re-arrangement of the districts. The governor was also to be chosen for four years, but by a peculiar method, which attempted to combine a choice by the Legislature, as existing in some states, with a choice by the people, as adopted in others. Out of the two highest candidates nominated by a popular election, the Legislature was to select one. That choice fell, in the first instance, on Claiborne, territorial governor since 1804.

April 8.

April 14.

By a separate act, that part of Florida recently taken possession of, as far east as Pearl River, was annexed to the new state. The remaining territory, as far as the Perdido, though Mobile still remained in the hands of the Spaniards, was annexed, by another act, to the Mississippi Territory. The renewed application of that territory for permission to constitute itself into a new state, was postponed, to abide the action of Georgia on a joint

May 14.

resolution of Congress asking her consent to a division of the Mississippi Territory into two states. As the late Territory of Orleans had, in its new character, reassumed the name of Louisiana, the territory north of it received now the new title of MISSOURI.

June 4

Pending the session of Congress, an insurrection had broken out in East Florida, stirred up by General Matthews, of Georgia, who had been appointed a commissioner, under the secret act of the late session, for receiving the surrender of that territory, if the authorities should choose to make it. He had even gone so far as to lend the aid of a small body of troops under his command, by whom, in co-operation with the insurgents, the Spanish governor was beseiged in St. Augustine. These proceedings, however, had been disavowed at Washington, and Mitchell, governor of Georgia, had been appointed to supersede Matthews. But, relying probably on a congressional sanction, Mitchell persevered in the same policy, and refused to withdraw the American troops. The House, in fact, passed a bill in secret session, authorizing the president to take possession of East Florida; but this bill was rejected by the Senate, as was also a secret resolution of the House, authorizing a proclamation by the president to assure the inhabitants of British America, should those provinces be conquered, of security in their lives, liberty, property, and religion. The Senate could have had no objection to grant those terms to any conquered people; but, as they did not think it judicious to run the risk of incurring new enemies at this critical moment by the seizure of Florida, so they very fortunately, as the discussions at Ghent afterward showed, were unwilling to commence the war by openly proclaiming that it had acquisition of territory in view.

April 10

June 21.

According to a document sent to Congress just before

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the close of the session, the number of British seizures and captures of American vessels since the recommencement of the Continental war, was 917, of which 528 had occurred previously to, and 389 since the orders in council of November, 1807. The French seizures and captures were 558; 206 before, 317 under the Berlin and Milan decrees, and 45 since their alleged repeal. The recent Danish captures amounted to 70, and those at Naples to 47. No notice was taken in this report of the Dutch and Spanish seizures, which, as well as those of Denmark and Naples, belonged properly to the French account. Nor did it notice the still more significant fact that the number of French confiscations, including vessels burned at sea, and excluding those of Denmark, Naples, Holland, and Spain, nearly equaled those of Great Britain, more than half the British captures having been declared invalid, and restoration ordered, while in France but a quarter part of the vessels seized had experienced a like good fortune. It would thus appear, notwithstanding a prevailing opinion to the contrary, that the amount of direct pecuniary spoliation inflicted by France and the nations under her influence exceeded that experienced from Great Britain.

CHAPTER XXV.

CHARACTER AND ORIGIN OF THE WAR. FEDERAL PROTEST AGAINST IT. VIEWS OF THE ESSEX JUNTO FEDERALISTS. BALTIMORE RIOTS. HULL'S CAMPAIGN AND SURRENDER. PROPOSALS FOR AN ARMISTICE. REPEAL OF THE BRITISH ORDERS. WAR CONTINUED ON THE IMPRESSMENT QUESTION SOLELY. HARRISON'S FIRST CAMPAIGN. CAMPAIGNS OF VAN RENSSELAER, DEARBORN, AND SMYTHE. NAVAL AFFAIRS. QUESTIONS AS TO THE COMMAND OF THE MILITIA. FLORIDA AND TEXAS. PRESIDENTIAL ELECTION.

NEVER, surely, was an unfortunate country precipitated into an unequal and perilous contest under circumstances more untoward. There are wars, perilous and unequal, which can not be avoided. The choice may sometimes lie, as it did at the commencement of the Revolutionary struggle, between submission to an invading force and resistance at all hazards. For a purely defensive contest, deficient as the country was in military preparations, it had, in the spirit of a free people, ample means to thwart the haughtiest and strongest invader. But the present war was of a very different character. It was an offensive war, voluntarily undertaken on the part of the United States, to compel Great Britain, by the invasion and conquest of her Canadian territories, to respect our maritime rights.

There are many cases to which the distinction attempted by moralists between offensive and defensive wars does not very clearly apply The present war be-

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ing professedly undertaken for the defense of maritime rights, might, from that point of view, be called defensive; and the invasion of Canada, so far as it was made not so much for conquest as coercion, a defensive measure. But, considering matters in a merely strategic point of view, the distinction is always palpable between an offensive movement and one which is defensive; nor can offensive operations, as a matter of policy and prudence, ever be justified, when rashly entered upon without forethought, means, or preparation.

Unanimity on the part of the people, and especially on the part of those states whence men and money must principally come, might have excused, in some degree, the precipitancy and want of preparation with which the war had been declared, and soon have filled up the empty ranks of the army and the empty vaults of the treasury. But such unanimity was entirely wanting. A feeling of indignant hostility to England—the still glowing embers of ancient hate having been kindled into flame by recent provocations—was, indeed, very generally diffused. Yet, so far from being the act of the whole people, or of the whole of that active, busy, and energetic section, which, though a minority, and often a small minority, does in practice imbody the national sovereignty, the present war failed to meet the views and wishes, or to receive the hearty approbation of a large proportion even of those who had been forced into assuming the responsibility of its declaration, including the president himself and his most confidential advisers.

The policy of the old Republicans, except the small French faction, as well as of the Federalists, though they had differed as to means, had been alike neutrality and peace. Washington and the Federalists had regarded as the best means of securing those objects such a state of

military and naval preparation as might inspire a degree of respect, by holding out the prospect that, should we be driven to take part in the war, our weight would be felt. Jefferson and the old Republicans had objected to any such military and naval establishments as dangerous to liberty, almost as expensive as actual war, and tending to the indefinite continuance of the national debt, always to them a great bugbear, and to the speedy extinction of which they ascribed a very exaggerated importance. Instead of armies and navies, Jefferson proposed to rely, first, on an importunate diplomatic clamor for our rights, such as even willful injustice could not resist; and if that failed, on a resort to commercial restrictions, which, by depriving the aggressive nations of raw materials and food, might starve them into good behavior.

Whatever might be thought of the preference to be given to the Federal or to the Jeffersonian scheme of policy—and, notwithstanding the little success of the system of commercial restrictions hitherto, the subject admitted of some argument—there was at least one point upon which the superior practical wisdom of the Federal administrations was conspicuous. The very idea of preserving peace implied the necessity of some concessions—of the yielding, at least for the moment, something of the utmost extent of strict right. Washington and Adams had acted on this idea as respected both France and England—Washington in signing Jay's treaty, Adams in ratifying the convention with Bonaparte. So far as related to France, Jefferson was strongly in favor of the same course; indeed, he was inclined to carry it to great extremes. Such, however, was his deep-rooted dislike of Great Britain, as to make the idea of any similar concessions to her utterly abhorrent to him. Hence his vehement opposition to the ratification of Jay's treaty.

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Hence his obstinate persistence in refusing the highly conciliatory offers of Grenville on the question of impressment, and his rejection of Monroe's treaty without ever having submitted it to the Senate. Hence that system of commercial restrictions commencing with the Non-importation Act of 1806, of which the grand object was, however France might have been included under some of the subsequent acts, to compel Great Britain to yield. In adopting this stringent course, Jefferson did not expect nor intend to bring on war; for with war must come armies, navies, and public debt, the objects of his wholesome though somewhat excessive dread. Yet that such a stickling for the extreme of right, such an irritation constantly kept up, must lead inevitably to war, the Federalists had foreseen, and had foretold from the beginning.

But, however peaceful might have been the intentions of Jefferson and the other old Republican leaders, there had all along existed a considerable faction, bent, from the beginning, on war with Great Britain. Kept under by the controlling influence by which Jefferson, during his administration, had ever regulated the affairs of the Republican party, under Madison's feeble and vacillating rule, and amid the excitement produced by new collisions, this faction had served as a nucleus, about which the now triumphant war party had suddenly crystallized, a natural and necessary deposit from the waters of bitterness so long mingled and stirred by Jefferson's hand.

The original war party was compounded of two elements, one domestic, the other imported. The domestic element consisted of men of impressible imaginations, of inveterate and unyielding prejudices, of violent and uncontrollable tempers, with whom hatred of Great Britain, roused by the Revolutionary struggle, or sucked in with

their mother's milk during that imbittered contest, had become an inseparable part of their nature. The imported element was made up of political exiles from Great Britain and Ireland, overflowing with that uncompromising hatred which political exile is so apt to inspire.

The influence upon American politics exercised at this moment, and for near twenty years previously, by a small body of educated and enthusiastic foreigners, was indeed very remarkable, and may well serve as a caution to the nations of Europe. The demand for printers and editors, especially in the Middle States, could not be supplied from domestic sources, and as many of these political exiles had been connected with the press at home, many of them, indeed, having been driven into exile in consequence of publications prosecuted by the government as libelous or seditious, they had adopted the same calling in America; and thus converted into mouth-pieces of the Democratic party, they obtained and exercised an influence out of all proportion either to their number or their talents. Randolph complained that almost every leading press in favor of war, was conducted by men who had but recently escaped from the tyranny or the justice, whichsoever it might be, of the British government. He gave, as instances, the Aurora and the Democratic Press, the leading papers at Philadelphia, edited the one by Duane, the other by Binns; the Whig at Baltimore, conducted by Baptiste Irving; and the Intelligencer at Washington, by Joseph Gales. Foster, the British minister, present at Washington when war was declared—a result which he had not anticipated, and which he had exhausted every effort to prevent—stated soon after, in the British House of Commons, that among those who voted for it were not less than six late members of the Society of United Irishmen.

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This old and inveterate, but, till of late, insignificant war party, roused to new zeal and ardor by recent aggressions, had received accessions from various quarters. Within the last five years domestic manufactures had taken a very vigorous start, and those concerned in them, most of whom were Republicans, had begun to look on war with favor, not only as shutting out British competition, but as securing a good customer in the government. The universal war spirit which twenty years of wide-spread hostilities had diffused throughout the civilized world, could not fail to produce its effects in America. On the sea-coast the spirit of enterprise found vent in exciting mercantile adventure. In the South and West, thousands of young men, ambitious of distinction and eager for action, but left in idleness by the institution of slavery, as they read day by day of battle after battle in Europe, had begun to sigh for swords, epaulets, and military glory.

The war feeling thus invigorated and diffused; the old Republican policy discredited by apparent failure; the president known to be a man who could be molded; what wonder that the large number of young and ardent new members assembled in the Twelfth Congress, bent on substituting headlong energy for wise caution—the buoyant, persuasive, imperious Clay; the ambitious, intrepid Calhoun, inexhaustibly supplied with ingenious arguments in defense of any course he might see fit to adopt; with others of inferior abilities, but the like spirit—should have put themselves at the head of the hitherto war minority, resolved to rise to leadership not only by trampling under foot the Federalists, long despised as the broken fragments of a fallen party, but by riding it rough-shod over their own late leaders, and the very president in the chair of state?

Considered merely as a political maneuver, this storming of the cabinet was managed with skill, firmness, admirable courage, and was crowned with remarkable success. A political revolution, quite as complete in its results as the downfall of the Federalists, producing, in fact, the entire re-establishment of the old Federal policy, and that by men who would have shuddered at the imputation of Federalism, was brought about so quietly and silently, that not only the public at large, but many of the parties more immediately concerned, were quite unaware what a change was going on. Even such men as Macon and Gallatin, misled by the flattering idea that by yielding to the violence of their new associates, they might preserve the unity of the party, and thereby their own influence and ascendency, failed to perceive that by this surrender they became at once mere ciphers, the real leadership passing thenceforth into new hands, to be followed by a total change of policy.

The ultimate results of the new policy, few or none of which were foreseen by those who made it; the navy and army on their present footing; our costly system of harbor defense; above all, the extension of domestic manufactures, with a corresponding extension of tariff protection, serve with many to gild this revolution with a reflex lustre not its own. Founded as it was on a war with Great Britain, begun without forethought, and carried on without either energy or success, it imposed, at the time, an immense cost on the country in money, blood, anxiety, and alarm; temporary, indeed, and now forgotten, but terrible enough to those who suffered; sufferings, however, not without their use, should they prove a warning and a lesson for the future.

In the views of the war taken by the Federalists there was considerable diversity, and still more in the senti-

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ments and course of policy which different individuals and sections of that party, according to difference of temperament or position, saw fit to express and to adopt. But they all agreed in opposing and condemning the war as, in the present posture of affairs, inexpedient and uncalled for; and this view was very ably taken in a calm and measured address to their constituents, drafted by Quincy, but toned down by others, and put forth by the Federal members just before the adjournment of Congress.

Since the United States never could admit—such was the ground taken by this address—that aggressions by one of two nations at war afforded any ground, under any pretended right of retaliation, for aggressions by the other, the question so warmly discussed for two or three years past, which of the two belligerents had been the original aggressor—whether Great Britain, as the French and American governments alleged, by her extension of the doctrine of blockade and other illegal interference with the rights of neutrals, or France, as Great Britain maintained, by the issue of her Berlin decree—was of very little consequence. As to the alleged repeal by France, and the refusal of Great Britain to repeal her orders, which had been made the occasion, first, of the revival of non-importation from Great Britain, and now of war, not only had no decree of repeal been produced, not only had no captured American vessel ever been released by any French prize court on the ground of such repeal, but all the public documents of France; the Duke of Cadore, in his report to the emperor of December 3, 1810; the emperor himself, in his address to the Council of Commerce of March 31, 1811; and the Duke of Bassano, in his recent report of March 10, 1812; all spoke of the Berlin and Milan decrees as subsisting in full force, the cherish-

ed policy of the empire. The capture of American vessels, and even burnings at sea, had continued to go on just as before. The only evidence of the alleged repeal as to American vessels, beyond the Duke of Cadore's bare assertion, was a suspension of decision as to the more recently-captured ships, and the liberation of a few of them under special directions of the emperor.

The British orders in Council operated to exclude us only from the trade to France and its immediate dependencies, Holland and Northern Italy. That trade, even prior to the late decrees and orders, had never absorbed more than an annual average of six millions and a half of our domestic exports; and, by the recent policy of France, her exorbitant duties, her system of licenses, her dictation of what should be taken in return, her multiplex regulations, and causeless seizures, it had been rendered worthless quite independently of British interference.

For the sake of vindicating, as against Great Britain, our mere right to a trade which France herself thus zealously labored to render of no sort of value, should we risk our commerce with all the rest of the world, as free and open to us now as ever, except occasional interruptions from French privateers? In the year ending with the September previous, that commerce, in spite of all restrictions and obstructions, had provided a profitable market for forty-five millions worth of domestic produce. Would the gratification of a few privateersmen compensate for the loss of all this lucrative trade, and the rendering worthless our great capital invested in shipping?

The hovering of British vessels off our coasts, and their occasional insults within our waters, were a natural and inevitable consequence of the existing maritime war. These occurrences demanded, on our part, not hostilities,

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but a system of coast and harbor defense; fortifications, and a navy adequate to enforce respect and order within our jurisdiction.

As to the alleged agency of the British in stimulating Indian hostilities—a charge attempted to be sustained by a recent voluminous report, in which were embodied numerous opinions and assertions to that effect by Indian agents and others—that still remained a mere unproved suspicion, which it might have been as well to have tested by first giving some slight attention to the grievances, real or imaginary, so earnestly insisted upon by the Indians. But, suppose it were true, how did a declaration of war against Great Britain tend to the security of the Indian frontiers?

June 13.

As to the question of blockade, there did not seem to be any real difference. Both parties agreed that, to make a blockade lawful, there must be a force sufficient to maintain it. To the impressment question, and the view taken of it by the Federalists, and set forth in this address, we shall have occasion soon to recur.

"If our ills were of a nature that war could remedy; if war would compensate any of our losses, or remove any of our complaints," such were the concluding portions of this address, "there might be some alleviation of the suffering in the charm of the prospect. But how will war on the land protect commerce on the ocean? How are our mariners to be benefited by a war which exposes those who are free, without promising relief to those who are impressed?"

"Will Canada compensate the Middle States for New York, or the Western States for New Orleans? Let us not be deceived. A war of invasion may invite a retort of invasion. When we visit the peaceable, and, as to us, innocent colonies of Great Britain with the horrors

of war, are we assured that our own coast will not be visited with like horrors?"

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"But it is said that war is demanded by honor. Is national honor a principle that thirsts after vengeance, and only to be appeased by blood? which, untaught by the past, and careless of the future, to gratify a selfish vanity, or to satiate some unhallowed rage, precipitates itself into any folly or madness? If honor demands a war with England, what opiate lulls that honor to sleep over the wrongs done us by France—on land, robberies, seizures, imprisonments; at sea, pillage, sinkings, burnings?" "With full knowledge of the wrongs inflicted by the French, ought the government of this country to aid the French cause by engaging in war against the enemies of France?" "It can not be concealed that to engage in the present war against England is to place ourselves on the side of France, and expose us to the vassalage of the states serving under the French emperor."

Here, indeed, the address touched a point upon which that large body of the Federalists, specially known as Essex Junto men, were exceedingly sensitive. That terror of French Jacobinical principles, which, in the time of Adams, had driven a portion of the Federalists from the Washingtonian ground of rigid neutrality, and had made them insist on war with France as the only security against being overwhelmed by French influence and ingulfed by French alliance, was still as strongly felt as ever. Though Bonaparte and the empire stood now in the place of the Directory and the republic, this, in their eyes, was a change merely of persons and names—the principles of violence without restraint, either in law or conscience, of universal conquest and universal empire, being common alike to the Jacobins and to Bonaparte.

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Disgusted at what they considered the evident leaning of their own government, in all the late controversy, to the French side, they had not hesitated, upon every occasion of collision and controversy, from the affair of the Chesapeake downward, at setting forth the British view of the question, and justifying or palliating the conduct of that government. Hence they had been denounced as a British faction; and certainly their position did resemble, in several respects, that of the French faction, or ultra-Democrats, of the time of Washington and Adams. Yet the most violent among them never went near the lengths of a Monroe, a Barlow, a Skipwith, or a Barney, if, indeed, they at all overstepped that line of constitutional opposition which on that occasion Jefferson and Madison had marked out for their political associates.

To the Federalists of this school a war with England was exceedingly abhorrent; not merely as a throwing away of great commercial opportunities; nor solely nor chiefly by reason of the alarm and the danger to which it would expose the whole maritime section of the country, and the blood and money it would uselessly cost; but on far more fundamental considerations, moral and political. To take sides with France in the pending struggle—and to make war on England would be to take sides with France—appeared to them a high crime against the best interests of humanity; the taking sides with a tyrant hostile alike to the rights of nations and the rights of men, whom to help to overthrow England was to help in preparing a terrible yoke for ourselves. Such was the view very generally taken by the New England Congregational clergy, and very freely expressed from the pulpit both before and after the declaration of war. Of the sermons on this subject, of which many were printed, a large part serve, indeed, to show that, however the

New England clergy of that day might have deviated from the standard of Puritan theological orthodoxy, they had still inherited all the fervid, stubborn, uncompromising Puritan spirit, and with it the idea of obligations and duties higher than any created by human laws; a spirit not to be rashly encountered even by the strongest governments, and which drew out from the Democratic party bitter complaints against the intermingling of religion and politics. CHAPTER XXV 1812.

A notion had indeed prevailed, occasionally thrown out in Congress by Richard M. Johnson and others, that, after war had been declared, all opposition to it must stop, or be stopped—intimations which had provoked from Randolph more than one sarcastic allusion to the danger in which he personally stood of being tarred and feathered as a Tory by patriots of two or three years' importation. A few days after the declaration of war, these principles of despotism, avowed and justified by men who professed to hold the old Sedition Law in utter abhorrence, were very signally carried into execution in the city of Baltimore. Though that town owed its rapid rise entirely to the profits of commerce, a majority of its miscellaneous population, including a large proportion of persons foreign-born, were very eager for war, a spirit stimulated to the highest pitch by the Baltimore Whig newspaper. As zeal on one side generally evokes zeal on the other, the principles of Essex Junto Federalism had found an able advocate in the Federal Republican, edited by Alexander Hanson, a young man of twenty-six, son of a chancellor of Maryland, and grandson of a president of the Continental Congress. This paper, in announcing the declaration of war, announced also, in terms moderate but firm, a fixed determination to continue to speak with the same freedom as before. This was on Saturday. The June 20

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following Monday evening, a mob, headed by a French apothecary, and unopposed by the city magistrates, of whom several were present, but only two of whom used a few words of dissuasion, completely demolished the office of that paper, with its types and presses, obliging Hanson's partner, who resided in the city, to fly for his life, the mob insolently searching several dwelling-houses in pursuit of him. Hanson himself might have fared still worse, but he resided in the country. Indeed, his partner thought it wise immediately to close his house and to remove his family.

Encouraged by this success, the mob reassembled the next night, and in pursuit of another obnoxious individual, they assaulted and searched another private dwelling; after which they proceeded to the docks, and dismantled several vessels lawfully bound to sea, acting under the idea that these vessels were about to sail under British licenses or by British connivance. Their patriotic fury next found vent in burning down the house of a free colored man, charged with having spoken in friendly terms of the British nation. They were about setting fire to an African church, when the appearance of a company of horse, called out for that purpose, checked and dispersed them.

The Federal Republican, thus driven from Baltimore, was immediately re-established at Georgetown, in the District of Columbia. This, however, did not satisfy Hanson and his more ardent friends. They were not prepared to submit to an insolent and arbitrary invasion of their rights, perpetrated by their political opponents through the instrumentality of a savage mob. It had become their duty, so they thought, to vindicate the liberty of the press, and for that purpose to insist upon their right of printing and publishing in Baltimore, no matter

at what personal risks to themselves. They found great difficulty in obtaining any building; but finally the lower story of the late dwelling-house of Hanson's partner was converted into a publishing office, the upper part being taken possession of by Hanson as a dwelling-house for himself; and after an interval of five weeks, the paper, without any previous notice, was reissued from this new office, though still printed in Georgetown, containing some severe strictures on the conduct of the magistrates, who had given additional proof of their complicity in the late riot by omitting to make the least effort to bring the rioters to justice, though the leaders were well known.

July 26.

Hanson and his friends had not taken this hazardous step without counting the cost. They expected that the office would be again attacked; they knew that nothing was to be hoped in the way of protection from the city authorities. On the application, indeed, of the owner of the house, the mayor not only refused to interfere for its protection, but immediately left town, for the very purpose, it would seem, of being out of the way. It was supposed, however, that if the first onset of the mob could be repulsed, the magistrates, from very shame, would find themselves obliged to preserve the peace, and that, the right of publication once vindicated, it would not be likely to be again interrupted. Under this idea, a regular plan of defense, on military principles, had been drawn up by General Henry Lee, distinguished as a partisan officer in the Revolutionary war, afterward governor of Virginia, commander of the army which had marched against the whisky rebels, the intimate personal friend, and, by the appointment of Congress, the funeral eulogist of Washington. Not content with furnishing the plan, Lee had volunteered to superintend the execution of it. He was joined by General Lingan, another

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The mob appeared that same evening. After pelting the house with stones for several hours, during which they were repeatedly warned to desist, they succeeded at length in forcing the outer door; but when they attempted to ascend the stairs, they were fired upon by the defenders, several were wounded, and one of the ringleaders was killed. Meanwhile, repeated notices of the riot had been sent to the magistrates; and two justices of the peace were at length persuaded to exercise their authority, by issuing an order to Striker, general of the city militia, to order out troops. A single troop of horse at length approached; but their commander, instead of charging, parleyed with the mob, who brought up, meanwhile, a piece of cannon, but were persuaded not to use it. About daylight the mayor and General Striker appeared. Several of the defenders had been badly hurt by the missiles of the mob, and the whole were exhausted by fatigue and watching. The mayor and the general, having first obtained the mob's permission and concurrence, proposed a capitulation. The defenders of the house, who were charged with murder by their assailants, were required to allow themselves to be conducted to prison to answer to that charge; and to this they agreed, but only on an express stipulation, given in the most solemn manner, of protection to their persons, as well as to the evacuated house, by a military guard.

July 27 Induced, by these promises, to surrender, Hanson and his friends were conducted to prison between two files of troopers, the music playing the rogues' march, and the

mob crowding upon them with insults, and frightful threats of breaking the prison and putting them to death. The evacuated house was occupied at once by a portion of the rioters, who proceeded, without interruption, to destroy the furniture and to spoil the interior. In the course of the day, Striker ordered out a fresh troop of cavalry, two companies of artillery, and a regiment of infantry, but not more than thirty or forty men, in the whole, made their appearance, and having been furnished with blank cartridges only, they were presently dismissed, as more likely, so Striker afterwards alleged, to irritate the mob than able to afford any effectual protection.

Striker and the mayor also pleaded, as an additional excuse for this disgraceful breach of their solemn promise, that the mob, on receiving assurances that the prisoners should not be admitted to bail, had agreed to disperse. The rioters, thus left, by a blind confidence, if not a positive connivance, without any restraint, soon after nightfall collected round the prison. The strength of the walls and doors might long have resisted their efforts, but, through the terror or treachery of a turnkey, they soon obtained an entrance, after which they rushed furiously to the door of the cell in which their destined victims were confined, and which the turnkey also unlocked. As the door opened, the prisoners within, according to a preconcerted plan, extinguished their lights, rushed to the entrance, with their strongest men in front, forced their way into the passage, and mingled with the mob; and in this way seven or eight of the number escaped. Two others, confined in a neighboring cell, were saved by the humanity, courage, and self-possession of a Frenchman, a prisoner for some high crime, who, at the imminent risk of his own life, denied their presence and concealed them from the persevering search of the blood-

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thirsty ruffians by whom the jail was filled. Of those who fell into the hands of the mob, the fate was wretched indeed. Struck down by a butcher, armed with a club, who had obtained access to the jail during the day, as if to be able to recognize them, they were beaten in the most horrible manner, after which, to the number of nine, Hanson among the rest, they were tossed down the stone steps of the jail, where they lay in a heap, the mob amusing themselves, for three hours or more, by beating their senseless bodies, sticking pen-knives into their cheeks, and dropping hot candle-grease into their eyes, to ascertain if they were really dead; shouting, at intervals, for Jefferson, Madison, and other distinguished Democrats. General Lingan expired amid these tortures, vainly reminding the infuriated wretches of his Revolutionary services, and begging them to spare his life for the sake of a numerous young family, depending on him as their sole means of support. General Lee—whom the National Intelligencer, in announcing the catastrophe, coldly spoke of, whether from ignorance, natural enough in the young foreigner who edited that organ of the administration, or from affected contempt, as "one General Harry Lee"—barely escaped the same fate, being made a cripple for life. The others, by feigning death, enduring blows, insults, tortures, without the least sign of sensibility, saved themselves from the last extremity. But even this would not have availed them but for a happy thought of the jail physician, who tickled the fancy of the mob by suggesting that these dead bodies, as they seemed to be, would make excellent Tory skeletons, and who succeeded, under this pretense, in obtaining permission to remove them into the jail. Means were forthwith taken for their resuscitation. Hanson and others were sent out of the city concealed in a hay-cart. Two

or three of those worst wounded were taken to the hospital; and places of concealment and care, in or out of the city, were found for the others.

Meanwhile, another portion of the mob, having rushed from the jail with one of the prisoners miserably beaten and bruised like the rest, had covered him with a coat of tar and feathers, and had carted him through the city amid blows and insults. When he fell back as if dead, they set fire to the feathers by way of resuscitating him. Having compelled him to give the names of all his associates, after a warm discussion whether to hang him or not, they finally concluded to commit him to the watch-house.

Having left the jail, the rioters next proceeded to the post-office, to demand the obnoxious copies of the Federal Republican deposited there for circulation by the mails. The Democratic magistrates now thought it time to interfere. A military force was ordered out, and as the postmaster, in spite of the threats of the mob to force his office, and the entreaties of the magistrates to yield to their request, still refused to give up the papers, a charge was ordered, when the mob at once dispersed.

Upon an investigation into this affair, the city council found no difficulty in arriving at the conclusion that the entire blame was due to Hanson and his friends for having wickedly persisted, in time of war, in publishing in Baltimore a paper not agreeable to the mob and the Democrats. Nor did they hesitate to annex to their printed report, as proof of an atrocious conspiracy to set the Democratic sentiment of Baltimore at defiance, a number of private letters in relation to the arrangements for defending the house, picked from the pockets of the murdered or mutilated prisoners, while they were in the hands of the mob. The trials of the ringleaders, who

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were perfectly well known, were conducted in the same spirit. The Democratic attorney general, who had openly expressed his regret that every person concerned in the defense of the house had not been killed, refused to exercise his right of changing the venue; and a Baltimore jury, without any hesitation, acquitted the prisoners. The only wonder was that Hanson, who was also put on trial for defending his own house, had not been found guilty of murder.

The view of this case taken by the Baltimore common council was sustained, silently if not openly, by the great body of the Democratic newspapers and of the advocates of war throughout the Union. They doubtless hoped that this atrocious piece of outrage and murder might serve to frighten the Federalists (whom they were much disposed to regard and to treat like the Tories of the Revolution) into the abandonment of their political rights. The example thus set was presently imitated by military mobs of volunteers at Norfolk and Buffalo; but the reign of terror and the suppression of the liberty of the press could not be enforced beyond the limits of Baltimore. In spite of threats from the Washington navy yard, the Federal Republican continued to be published at Georgetown. Numerous public meetings, as well within as without the state, expressed their indignation at the atrocities of the Baltimore mob, which have left a black stigma on that city, not yet, if ever, to be effaced; and that outrage no doubt contributed not a little to the

Oct. 5

political revolution which, within three months, gave the Federalists a very large majority in the Maryland Assembly; large enough, notwithstanding a Senate unanimously Democratic, chosen the previous year, to secure them a majority on joint ballot, and the choice of a Federal governor, council, and United States Senator.

The governor was Levin Winder. Hanson himself was chosen at the same time a member of Congress.

The Baltimore rioters, and their instigators and backers, must not, however, be taken as the sole or chief exponents of the war party. The leaders of that party represented, as they largely shared, a feeling proper and necessary in every community, of which the young, the ardent, the uneducated and unthinking masses are the natural depositories—the feeling of resentment at aggressions, of resistance to wrong, at all hazards. Dead, indeed, would that nation be in which this feeling did not find its ardent, unhesitating, headlong advocates. To temper and direct it, to control and keep it within the bounds of reason and safety, was the office and the duty of the cooler and more reflecting members of the Republican party, who alone, at this moment, had any influence over its depositories; especially was it the duty of the president, to whom, for the very purpose of resisting outbreaks of sudden impulse, and to give time for sober second thought, the Constitution has intrusted the great power and serious responsibility of the veto. But resort to the veto would not, in this case, have been necessary. Had not threats to oppose his re-election driven Madison to take the lead, no declaration of war could have been carried in either house of Congress.

Here was an occasion on which Madison might well have called to mind the great example of Washington in the case of Jay's treaty. But his timorous temper dwelt rather on the fate of John Adams, whose opposition to hostilities with France, however beneficial to his country, had left him to retire from office amid the execrations of the more violent of his own party, and without help or even sympathy from the other. Yet, in the eye of history, how much more honorable such a fall, than any

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re-election to be purchased like Madison's, by the sacrifice, at such risk to his country, of his own better judgment and personal convictions!

That domination over public opinion which the war party so long maintained, and which, indeed, has hardly yet ceased, joined to a readiness on the part of those to whom the president thus ignobly yielded to throw a mantle over political nakedness almost as discreditable to them as disgraceful to him, have hitherto conspired to shield Madison from the obloquy which must ever rest upon this part of his conduct—that of having been driven by intimidation, and seduced by personal interest and ambition, into a course of public conduct, in his own judgment improvident, if not highly dangerous.

These same convictions were fully shared by Gallatin, and probably also by Monroe, the president's two principal cabinet officers and most confidential advisers. But Gallatin, who clung with tenacity to office, did not choose to risk his place by openly opposing what he labored in vain, by indirect means, to prevent, while Monroe, as a candidate for the successorship, was under temptations quite as strong as those of Madison to dissemble his opinions and to yield to the current. So uncontrollable, indeed, are the impulses of ambition, so overwhelming the temptations of that splendid office, that much must be pardoned in candidates for the presidency; nor ought the incumbent to be exposed to the seducing prospect of a re-election.

It was not Madison and his cabinet only that the impetuous war current swept along. Jefferson's hatred of England was so hearty, that he naturally consented to a step by others which he would never have dared to venture upon himself. John Adams, who still preserved, on the verge of eighty, all his youthful impetuosity and nat-

ural pugnacity, snuffed the battle like an old war-horse, carrying him back, as it did, to the days of his own daring and glory, and identified by him, as by the whole war party, with that original resistance to British aggressions in which he had taken so active and conspicuous a part.

Canada, of which the conquest was now to be attempted, consisted, at this time, of two provinces. The old French settlements on the St. Lawrence, with a population of some 300,000, constituted Lower Canada. Upper Canada embraced the more recent settlements above Montreal, principally on the north shore of Lake Ontario, including also some scattered hamlets at the foot and head of Lake Erie, with a population, in the whole, of about 100,000, mostly American Loyalists and their descendants. Each province had its own governor and Legislature; but the governor of Lower Canada, in the character of governor general, held a certain superintending authority over both. The regular force in both provinces did not exceed 2000 men, scattered over a space of 1200 miles, from Quebec to the foot of Lake Superior. Under the late administration of Sir James Craig that political struggle on the part of the Legislature of Lower Canada, afterward carried to such extremities, and productive of changes hardly short of a revolution, had already commenced. But the recent arrival of Sir George Prevost, and the prospect of an American war, had checked this incipient quarrel; and the Lower Canada Legislature had signalized its loyalty by placing at the governor's disposal 2000 unmarried men, to be recruited by annual drafts from the militia, and to be regularly embodied, drilled, and trained; and in case of invasion, or imminent danger of it, to be called into active service as auxiliaries to the regular troops; to be second

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ed, if the case required it, by the whole body of the militia. But the main strength of Canada now, as formerly, consisted in the difficult approach to it; the water barrier by which it was guarded; the wild American frontier opposite, during the summer heats infested by fever, destitute of roads, large portions of it without inhabitants, and incapable of furnishing supplies, all of which, even provisions, must be transported, mostly on pack-horses, a vast distance, and at great expense—obstacles the same which had repelled so many attempts at conquest while Canada was yet a French province. Another great military advantage which Canada possessed was the concentration of her people along or near the frontier, and the convenient water communication of that whole frontier with Montreal and Quebec, and through those cities with the mother country. It was against those cities, one the chief seat of Canadian commerce, the other its military key, that all attacks upon Canada had hitherto been aimed. That method was now to be reversed, the first blow being struck at the extremity of Canada farthest from the sea, and least within reach of British succor—a point, however, with which Quebec, and even England, had, at that time, a far easier communication than either Washington or New York.

Hull, governor of the Michigan Territory, having spent the winter in Massachusetts, of which he was a native, had accepted the rank of brigadier general, principally, as he afterward alleged, with a view to the succor of that Territory, greatly harassed, since the affair of Tippecanoe, by Indian alarms. Not without military experience, for he had served with credit as a regimental officer in the army of the Revolution, Hull had insisted that the naval control of Lake Erie, then possessed by two or three small British cruisers, ought first to be ob-

tained, and a force provided of at least 3000 good troops. Nothing, however, was done toward a naval force, not even so much as fitting out the Adams, a small public armed vessel, which lay at Detroit, and Hull was told that he must be content with 2000 men. CHAPTER XXV. 1812.

Arriving at Dayton, some three weeks before the declaration of war, he found assembled there three regiments of raw Ohio volunteers, about 1200 men in all, imperfectly organized, and scantily equipped. Marching to Urbana, he added to his force the fourth regiment of regular infantry, some three hundred strong, lately engaged, under Boyd, in the Tippecanoe expedition, and now commanded by Colonel James Miller. From Urbana to Detroit were two hundred miles of forest, through which the army had to cut a road, and to establish a series of posts, to keep open the communication, liable to interruption by the hostile Indians. While marching on this road, Hull received a letter from Washington, forwarded by express from Cleveland, where the post-route then terminated. It was dated the day before the declaration of war, but made no mention of it, only bidding him hasten his march. A letter of the next day, with information that war was declared, sent to Cleveland by mail, and forwarded thence by such chance conveyance as offered, did not reach him till eight days later, after he had arrived at the Maumee, and had there embarked his baggage, intrenching tools, and hospital stores, to be forwarded by water to Detroit. The British officer in command at Malden had received notice of the declaration of war two days before (under an envelope, as it oddly enough happened, franked, as far as Cleveland, by the Secretary of the Treasury); and as the vessel with Hull's stores on board passed Fort Amherstburg, she was overhauled and made a prize of.

May 25.

June 26.

July 2.

July 5

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1812. A day or two after this misadventure, Hull's army reached Detroit, which contained at that time only some eight hundred inhabitants. The neighboring villages on the strait had about twice as many; the whole Territory of Michigan not much above five thousand, most of them of French origin. Surrounded by hostile Indians, and separated from the Ohio settlements by two hundred miles of wilderness, Lake Erie commanded by the British, and even the road by land which followed the shore of the strait passing almost under the guns of Amherstburg, this was a most extraordinary point from which to commence a hostile invasion. In the fort at Detroit, a place of some strength, there was a garrison of fifty regulars. The militia of the Territory raised Hull's force to about 1800 men. Shortly after his ar-

July 9. rival, having received orders from the War Department to invade Canada, to take Malden if he could, and to ex-

July 12. tend his conquests as circumstances permitted, he crossed to Sandwich, boasting, in a proclamation, of a force adequate to all the purposes of protection or punishment; offering to all who desired it emancipation from the tyranny of the British rule, and to all who chose to remain quiet protection and safety; but should savages, by the barbarous policy of Great Britain, be let loose to murder women and children, threatening an exterminating retaliation, in fact, instant death, to every white man taken fighting side by side with Indians.

The Canadian settlements on the strait were still feebler than those of Michigan. Sandwich was a village smaller than Detroit; the fort of Amherstburg, or Malden, was a weak erection of earth and pallisades, held by a garrison of a hundred regulars, and some four hundred militia and Indians. Hull's troops were eager for action, and, had Amherstburg been at once attacked, per-

haps it might have been taken. But ignorant of the weakness of the enemy, though fully conscious of his own, and discouraged by the capture of his baggage, and his isolation from means of succor, Hull wished to fortify his camp, to get his battering cannon mounted, and to give his proclamation time to operate. Meanwhile, before he was ready to move, he heard of the loss of Michilimackinac, which post alone held the Indians of the upper lakes in check. The inadequate garrison of only sixty men had received their first intimation of the declaration of war from a British flotilla which appeared before the place, convoyed by a brig belonging to the British Fur Company, and with a force on board drawn from the neighboring British post of Fort William, of two hundred regulars and Canadians, besides a body of Indians, to which they precipitately surrendered. The news of this loss was soon followed by information of General Proctor's arrival at Amherstburg with reenforcements, brought by water from below, and of efforts made by the British Fur Company's agents at Fort William above, to imbody their servants and to excite the Indians. Soon after Proctor's arrival, Tecumseh, who had entered into the British service, crossed the strait to block up the road from Ohio to Detroit, and had stopped at the River Raisin a convoy of flour and cattle. Hull sent a detachment of two hundred men to open the road; but they fell into an ambush of some seventy warriors, from which they only escaped back to the camp with a loss of thirty killed and wounded, and seventy missing, the mail, also forwarded under their care, falling into the enemy's hands.

July 17.

Aug. 5.

Hull's arrangements for marching were now complete, but, alarmed at this interception of his supplies, and by information from the officer in command on the Niagara

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River that the British forces in that quarter were moving westward, and that he was not able to make any diversion, he concluded to give over offensive operations, to retire to Detroit, and to devote his first efforts to re-establish his own communications. Proctor, encouraged by the desponding tone of the dispatches and correspondence captured by Tecumseh, had crossed over to join that chief with almost his entire force, and as it happened, just in time to encounter Colonel Miller, sent with his regiment and a body of militia, about 600 in all, to open the road. Miller found the British and Indians posted at Maguago, about fourteen miles from Detroit, behind a breast-work of logs, one flank on the river, the other covered by a swamp; and in forcing this position, which was obstinately defended, especially by the Indians, he lost eighteen killed and sixty wounded. The men, from having dropped and lost their knapsacks during the fight, fell short of provisions; the sending back the wounded occasioned a delay; indeed, the boats which conveyed them came very near falling into the hands of the enemy. Miller was taken sick; a storm of rain added to the disorganization of the troops; and, finally, the expedition was abandoned. As a substitute for it, M'Arthur and Cass, two of the Ohio colonels, were sent, with 350 men, to open, by an inland route, a communication with the convoy at the River Raisin; but, after marching some twenty-four miles, they entangled themselves in a swamp, and having consumed all their provisions, they turned about for Detroit.

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Meanwhile, General Brock, governor of Lower Canada, hastening from Little York (now Toronto), the capital of his province, had reached Malden by water, with a few of the embodied militia. Having recalled Proctor, and held a council with Tecumseh, he advanced to Sand-

Aug. 13. Aug. 15.

wich, and summoned Hull to surrender, intimating that, should an assault be necessary, it would be quite beyond his power to restrain his Indian allies. Upon Hull's returning a firm refusal, the British vessels and batteries opened a fire, under cover of which Brock landed. His force, besides some 600 Indians, amounted to 730 regulars and militia, with five small pieces of cannon. Hull's effective force, in the absence of M'Arthur's detachment, was about 800 men, stationed partly in the fort, partly in the town, and partly behind an advanced battery of two twenty-four pounders. These guns were just ready to open on Brock's column, which advanced steadily to the assault, when Hull, to the infinite surprise of his men, called a parley, and offered to capitulate. The terms, as arranged, included the surrender of M'Arthur's detachment, and of the convoy at the River Raisin, in fact, of the whole Territory of Michigan, the territorial militia to be dismissed on parole, the regulars and volunteers to become prisoners of war. M'Arthur's detachment, already near the Fort, upon information of the surrender, fell back a little; but, having been for three days without provisions, except a few potatoes and green pumpkins, they were obliged to send in a flag and to give up their arms.

1812. Aug. 16.

The day before Hull's surrender, the garrison at Fort Dearborn, at the head of Lake Michigan, where now stands the flourishing city of Chicago, then a solitary post in the midst of the wilderness, had evacuated that post, in consequence of orders despatched by Hull, as soon as he had heard of the fall of Michilimackinac. The retreating column consisted of seventy men, besides women and children, the rear being covered by some Miami Indians, who professed to be friendly. Several hundred Indians, of various tribes, were collected in the

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vicinity, whom it was attempted to conciliate by distributing among them the merchandise deposited in the fort. But they soon fell upon the retreating column. The Miamis fled or joined the assailants; and the whites, speedily reduced to twenty effective men, surrendered on a promise that their lives should be spared. The prisoners, many of them severely wounded, were divided among the Indians, who conveyed them to Michilimackinac, where they were ransomed by the British commander; but it was only after many months and much suffering that the survivors finally regained their homes.

Hull's capitulation greatly curtailed the American frontier. The Sanduskies, Fort M'Arthur, at the head of the Scioto, lately built during Hull's advance on Detroit, Fort Wayne, at the head of the Maumee, Fort Harrison, on the Wabash (Terre Haute), and Fort Madison, on the Mississippi, some twenty miles above the mouth of the Des Moines, became now the most advanced posts. A council with the Indians of Ohio and Indiana, appointed to be held at Piqua, proved a complete failure. All these tribes, with scarcely an exception, joined now in hostilities; and, in a short time, Forts Wayne and Harrison were beleagured.

Great was the mortification, and even rage, of the war party, aggravated as it was by the taunts of the Federalists at this speedy result, in the loss of a large portion of our own territory, of the attempted conquest of Canada. All the difficulties and dangers of Hull's position; the smallness of his force; the rawness of his troops; the inexperience of his officers; the interception of his communications; the cloud of Indians, by which the complete devastation of the territory was threatened; the power of the enemy, by their command of the

lakes, to concentrate against him an unknown force, were kept quite out of sight; and the unfortunate general, made the scape-goat of every body's blunders, and laden with every body's faults, was accused by a general chorus of the war party, his own officers taking the lead, not only of incapacity and want of enterprise, but even of cowardice; and, as if that were not enough, of having treacherously sold himself and his army to the British. Tried some two years afterward, before a court-martial, on these two serious charges, Hull took the ground that to have attempted any further resistance would have exposed, not the garrison only, but the townspeople, and, in fact, the whole population of the territory, women and children included, to inevitable massacre by the Indians. Under ordinary circumstances, this defense might have been entitled to weight; but the position which Hull had voluntarily assumed did not allow him to yield, without fighting, to any merely anticipated dangers, however probable. The trade of war admits but a very modified indulgence of the feelings of humanity. What are the lives of a few women and children compared to the humiliation of a nation or the mortification of a party? We may, indeed, pity the old general, beset as he was on his trial by a host of swift witnesses, to whom it was very easy, after the smallness of the British force had become known, to promise great exploits for the army, and to hold Hull personally responsible for all the blunders and mishaps of a camp of raw recruits. Yet, it will not be easy to find fault with the sentence of the court, finding him guilty of cowardice—understanding thereby not so much fear of personal harm as that want of nerve so absolutely necessary in a general, a readiness to risk, when necessary, the lives of others as well as his own.

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Pending this luckless campaign, some hopes had been entertained on both sides that the war might yet be cut short. The president, at the moment of its declaration, had sent by Foster, the returning British minister, an authority to Russell, still at London, to agree to an armistice, preliminary to a definitive arrangement of all differences, on condition of the repeal of the orders in council, the discontinuance of impressment from American vessels, and the return of the seamen hitherto impressed. As an additional inducement, Russell was authorized to offer, if Britain would reciprocate by a similar enactment, the prohibition of the employment of British seamen in American vessels, public or private; and by a subsequent letter, to agree to an armistice, on a tacit understanding, instead of the express stipulation first asked, as to impressments and impressed seamen.

The orders in council had already been disposed of by the voluntary action of the British government, and this question of impressments remained, in fact, the only point of dispute. The ministry, as if to strengthen their position, had issued, not long after Brougham's attack,

April 21.

what they called a "Declaration," citing the Duke of Bassano's report of the 10th of March as complete proof that the French decrees of Berlin and Milan remained in full force, and expressing the expectation that the late renewal, as to Great Britain, of the American Non-importation Act, would not be persisted in after the clear proof thus afforded of the artifice and falsehood of the French government. To this declaration a new order in council had been appended, to the effect that, if at any time the Berlin and Milan decrees should, by some authentic act of the French government publicly promulgated, be expressly and unconditionally repealed, thereupon the orders in council of January, 1807, and April,

1809, should, without further formality, cease to be in force. Upon the reception of these documents, Barlow still arguing, as he all along had done, that a repeal of the French decrees as to America merely would not operate to produce a recall of the British orders (as the condition of which the total abandonment of the Continental system was demanded), and, therefore, could not lead to any reconciliation between Great Britian and the United States; admitting, also, that American vessels, so far as the final decisions of prize cases by the emperor was concerned, were, in fact, exempted from the maritime operation of those decrees; yet ventured to suggest, since that exemption had not been noticed in Bassano's late report to the emperor, that it was not only just, but urgently necessary, that the French government should now make and publish an authentic act, declaring those decrees to have ceased to operate, as against the United States, since November, 1810. In what he described, without giving the particulars, as a "pretty sharp conversation" with the Duke of Bassano, he encountered a "singular reluctance" to answer this note. No doubt he suggested, what was likely to have infinitely greater weight with Bonaparte than any claim of justice, that unless some such decree were actually issued, the American government would find it impossible longer to persist in the system of non-importation from Great Britain. Thus pressed, Bassano finally produced a decree, dated April 28th, 1811, directing that, in consideration of the resistance of the United States to the orders in council by the act of March 2d preceding, the Berlin and Milan decrees were to be considered as not having existed, as to American vessels, since November 1st, 1810. To Barlow's question whether this decree, now apparently a year old, had ever been published. Bassano answered

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no. He added, however, that it had been shown to Russell, then chargé d'affaires at Paris, and had also been sent to Serrurier at Washington, to be communicated to the American government. That this was a mere falsehood there can not be a doubt. No notice of any such communication appeared on the records of the American

May 29. legation at Paris. Russell, when inquired of, expressly denied the fact. Even Serrurier confessed that the first he had heard of this decree was in a letter from Bassano, dated subsequently to this conversation with Barlow, expressing his surprise that Serrurier had never acknowledged a letter sent a year before, containing, as was pretended, a copy to be communicated to the American government of the decree now again re-inclosed. The date and tenor of this manufactured decree by which the exception of American vessels was made to rest on an act of Congress, which had itself been based, and solely based, upon the supposed previous existence of that very exception, were evidently intended to deter Barlow from insisting upon the public production of it since it would go to confirm all the charges brought against the American government by the British ministry and the American opposition, of having been duped into giving to a mere conditional promise the force and character of a positive act.

Glad enough, however, to get hold of a repealing decree in any shape, Barlow insisted on a formal copy of it; and when at length it was reluctantly communicat-

May 10 ed, he forthwith forwarded it to Russell, at London, by the Wasp, lately arrived with dispatches for himself. Being

May 20. communicated to Castlereagh as settling the disputed question of the actual repeal, as to the United States, of the Berlin and Milan decrees, it came just in season to second the efforts of the British manufacturers, who had

succeeded in a new attempt for a parliamentary inquiry into the operations of the orders in council. Castlereagh, indeed, spoke of it in the House of Commons, shortly after its communication to him, as altogether too limited in its scope to require any change of policy on the part of the British government. But the new ministry, as arranged after Percival's death, being very strongly pressed by Brougham and Baring, and in danger of being deserted by a portion of their supporters from the manufacturing districts, finally compromised matters by revoking the orders of January, 1807, and April, 1809, with a proviso, however, for their renewal, in case the American government, after due notice, should still persist in their non-importation and other hostile acts.

June 17.

June 23

News of this intended change of policy having reached Foster, at Halifax, on his way home, he obtained from the naval commander on that station consent to a mutual suspension of proceedings against captured vessels; a proposal which he forwarded to the secretary of the British legation, still remaining at Washington, to be communicated to the American government. He communicated also, through the same medium, his having advised Sir George Prevost to propose a suspension of hostilities by land. That proposal, soon after made by Prevost, was at once provisionally accepted by Dearborn as to himself and the New York frontier; for, according to the explanations which he afterward gave, he did not consider Hull as under his command. But the American government refused to ratify this armistice, or to accept the other proposition of Foster; for which Monroe gave as reasons, in a dispatch to Russell, doubts as to the president's authority to suspend the proceedings of prize courts; uncertainty how far these arrangements might be respected by the British officers themselves, should

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they not prove agreeable to the British government; the want of security against the Indian allies of the British; the inequality of the arrangement in affording opportunity to re-enforce Canada, which meanwhile could not be attacked; and especially the apprehension lest an agreement to suspend hostilities previous to any answer from the British government on the subject of impressment might look like waving that point.

Aug. 24. Upon communicating to Castlereagh his first instructions on the subject of an armistice, Russell was told in

Aug. 29. reply that the orders in council were already repealed, and that directions had been sent to Admiral Warren to propose a discontinuance of hostilities on that basis. Of the other points, as Russell had no powers to negotiate, Castlereagh declined any detailed discussion, expressing, however, his surprise that even a suspension of hostilities should be made dependent upon the British government's desisting, upon the bare promise of such a law as Russell proposed, from its ancient and accustomed practice of impressing British seamen from foreign merchant ships. Any proposition professing to have in view the checking of abuses in the exercise of that right, or the substitution for it of some method of accomplishing the same object less vexatious in practice, the British government were now, as they ever had been, ready to receive and discuss; but, until assured that some such method might be devised and would be executed, they could not forego the exercise of a right on which their naval empire mainly depended.

Just as Russell was about leaving England, he re-

Sept. 12. ceived and communicated his second set of instructions; but Castlereagh declined to make any stipulation, formal or informal, as to impressments, which did not embrace a final and complete arrangement of the whole question;

and he called Russell's particular attention to former negotiations, especially those of King, Monroe, and Pinkney, with the Fox and Grenville ministry, as proof of the embarrassments and difficulties with which that subject was surrounded. 1812

To Admiral Warren's proposition for an armistice, the American government, not yet informed of Russell's failure, replied by the same offer made through Russell; as to which, of course, Warren had no instructions. Thus the war finally proceeded on the matter of impressment alone; a grievance most serious in its nature, and especially calculated, far beyond all questions of blockades and orders in council, to make a deep impression on the popular mind. Upward of six thousand cases of alleged impressments were recorded in the department of state; and it was estimated that at least as many more might have occurred of which no information had been received. Castlereagh himself admitted, on the floor of the House of Commons, that an inquiry instituted early in the preceding year had discovered in the British fleet thirty-five hundred men claiming to be impressed Americans. This claim, however, of American citizenship was alleged by the British naval officers to be very much abused. It was set up, they said, by all sailors who could possess themselves of American protections—documents granted without care to all applicants, and transferred by delivery from hand to hand; a ludicrous contrast often appearing between the personal appearance of the holder and the personal description contained in his protection. Yet, after all allowance on this score, it was admitted, even by Castlereagh himself, that there might have been, at the commencement of the year 1811, sixteen hundred bona fide American citizens serving by compulsion in the British fleet. Several hundred of these had Oct. 27

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since been discharged, and all would be, Castlereagh said, upon proof made of their American birth. Sixteen hundred American-born seamen kidnapped from American ships on the high seas, and subjected to a life of slavery in the British fleet, until they should be able to prove themselves Americans, for which, while thus held, they had hardly the least opportunity or means!

Upon the breaking out of hostilities, twenty-five hundred of these same impressed sailors, still claiming to be American citizens, and refusing to fight against their country, were committed to Dartmoor and other prisons, where most of them were detained to the end of the war, the British government still obstinately refusing to release any except upon proof of American origin; the excuse being that, if this refusal to do duty were taken as proof, half their sailors might claim to be discharged on the same ground.

The British excused these admitted impressments of Americans as undesigned and unavoidable accidents growing out of the exercise of a clear right of the British crown, occasion for which was given, it was said, by the employment of British seamen in American ships, thus affording to them an opportunity, which could not be allowed, of shirking the service of their country. The war, therefore, after all, instead of being a war for the rights of American seamen, was but a war to support the pretension of giving to British seamen, by their employment in American ships, protection against the rightful claims of their own sovereign.

Such was the view taken in the able address, already referred to, of the minority in Congress opposed to the war. They professed to be as zealous as any body for maintaining the principle that the American flag should protect American mariners. But they were opposed to

a war for enforcing that right, till first, by legislation, if it could not be done by treaty, steps had been taken to prevent the American flag from becoming a protection to British subjects, skulking from the rightful claims of their sovereign and country. It was, in fact, to break the force of this objection that Russell had been authorized to propose the mutual prohibition of the employment of each other's mariners—a kind of prohibition, as Castlereagh doubtless perceived, much easier to enact than to enforce.

But, however it might be in theory, it was not true in fact, that impressments of American citizens were unavoidable accidents. They were often made with the greatest carelessness, not to say wantonness. Just as little was there any truth in the pretended anxious desire of the British government to rectify these alleged unfortunate accidents. Every obstacle was put in the way of discharges, which could only be made by the admiralty authorities at London. No commander of a ship had any power to grant a discharge, even though furnished with the most abundant evidence of the American citizenship of his sailors, of which several very affecting instances occurred on board British vessels cruising off the American coast. There also still remained open the great question of the right of expatriation—the right of British subjects to become American citizens, if they chose. It was in vain that a committee of the Federal Legislature of Massachusetts, to palliate and reduce the evil of impressment, labored to show that very few natives of that state had suffered by it. Suppose that the men kidnapped from our vessels were mostly of foreign birth; suppose that they were not naturalized; still, there would arise this third question—was not the flag of the United States, by sea as well as by land, to pro-

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tect all beneath it? Were we to be reconciled to this man-stealing from our ships because the men stolen were not citizens? From the very fact of having placed themselves under our protection, were they not entitled to it?

Whatever side-motives, and they were many and powerful—hope of plunder by privateering; hope of military distinction; hope of enrichment by government contracts; hope of an interior market for agricultural produce; hope of protection to domestic manufactures; hope of riding into office on the crest of a wave of blood; hatred of England, and partiality for France: however such motives might have mainly tended to precipitate the war, still it was a war for the right of personal freedom—the freedom, suppose, of Britons, and other foreigners, as well as of Americans, from the domineering insolence of British press-gangs—an idea congenial to every manly soul, and giving to the contest a strong hold on the hearts of the masses; in fact, a just title to the character of a democratic war, in the best sense of that very ambiguous epithet, and even to be called a second war of independence, as its advocates delighted to describe it. Looked at from this stand, as it was at the time, still is, and always will be by numbers—since few are capable of viewing any thing in more lights than one—though the making impressment the turning-point of the war was, in fact, an accident and an after-thought, yet, since that did become the point, this war, with all its blunders and disasters, will still present itself to many minds as a necessary and noble struggle against insolence and oppression; not the less noble because rashly undertaken on behalf of the poor, the helpless, and the stranger; and, perhaps, like other great efforts on the side of humanity, not the less effectual, though, at the moment, it seemed to fail wholly of its object. So different were the views

of this war, taken with equal honesty, and, we may say, with equal intelligence, by the more speculative of its ultra opponents and its ultra supporters. To these it seemed a war on behalf of despotism against the sole remaining bulwark of national independence; to those, a war for personal liberty against the domineering power and piratical violence of a would-be monopolist and tyrant of the ocean. 1812.

Nor should it be forgotten, in the estimate of motives, that if behind that sympathy for the kidnapped and enslaved which tipped the arrow shot at Great Britain, there were the many baser impulses already enumerated; so, also, among those who shouted for peace, were multitudes who thought neither of national honor nor of personal rights, but who looked only to the effect which war might be likely to have on their own pecuniary interests; caring little so long as the British abstained from the seizure of property, and satisfied themselves with the mere seizing of men, whether the subjects of that theft were really aliens, who had no right to expect us to involve ourselves on their behalf in a quarrel with Great Britain, or were, in fact, their own sea-faring fellow-citizens, in their sordid estimation mere instruments for the making of money, as much so as the Southern slaves were in the eyes of the planters, and for whose freedom, except so far as it might affect the safe sailing of their ships, they cared just as little.

Whatever might be thought of the conduct of the British government in the impressment and detention of American sailors, their procedures as to American ships and merchandise in their harbors, when news arrived of the declaration of war, presented a striking contrast to Bonaparte's confiscations. To all such vessels six weeks were allowed in which to dispose of their lading, and free- Aug. 24

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ly to depart on condition of taking cargoes of British goods, protections being also furnished against capture on their passage home. This piece of unusual favor, principally intended as a means of relief to the complaining British manufacturers, was yet well calculated to operate on the minds of the American merchants; especially as the vessels and cargoes, thus released by the politic clemency of the British, were liable, on reaching home, to confiscation, under the act of March, 1811, because they had British goods on board.

Not till after the failure, in consequence of the revival of the impressment controversy, of all hope of the termination of hostilities, were British letters of marque

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and reprisal at length issued against American commerce. Even subsequently, licenses or protections continued to be freely granted to American vessels profitably engaged in transporting flour to supply the British armies in Spain, a traffic subjected to penalties by Congress, and declared ground of capture and confiscation by the American prize courts, but which continued throughout the war the chief branch of export trade.

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The armistice on the New York frontier had been speedily terminated, but the disaster of Hull and the deficiency of men and means, had checked the late extreme confidence in the easy conquest of Canada. To put Dearborn in a condition to act with effect, Governor Tompkins made the greatest efforts to get out the New York quota of militia. The Democratic Legislature of Vermont at the same time that they passed a stringent drafting law, offered $30 bounty to volunteers, and added to the pay of their militia in service as much as was paid by the United States. By the co-operating exertions of these states and of the war department, some 3000

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regulars and 2000 militia were presently assembled on

Lake Champlain, under Dearborn's immediate command. Another force of 2000 militia was stationed at different points along the south bank of the St. Lawrence, their left resting on Sackett's Harbor. A third army was collected along the Niagara River, from Fort Niagara to Buffalo, then a village of a thousand or two inhabitants, in the midst of a newly-settled district. This latter force of nearly 6000 men, half regulars and volunteers and half militia, was under the immediate command of Major-general Van Rensselaer, a Federalist, and the Federal candidate for governor of New York; considerations, perhaps, which had induced Tompkins to call him into service to command the militia quota of that state.

The first skirmishes on the New York frontier grew out of attempts, not unsuccessful, made principally from Ogdensburg, a new but much the largest village on the American side of the St. Lawrence, to intercept the British supplies proceeding upward in boats. The militia officer in command at Ogdensburg was General Jacob Brown. A Pennsylvanian by birth, a Quaker by education, while employed as a teacher in the city of New York, some newspaper essays of his had attracted the attention of Alexander Hamilton, to whom, during the quasi war of '98, he became military secretary. Removing afterward to the new settlements of Northwestern New York, his enterprise had founded the flourishing village of Brownsville, not far from Sackett's Harbor. During the late commercial restrictions, he had been, it was said, largely engaged in clandestine importations from Canada, and had thus acquired a minute local knowledge which now stood him in good stead. His success in repulsing a British force of 700 men, which attempted to cross from Prescott to attack Ogdensburg,

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laid the foundation of a military reputation which soon placed him at the head of the American army.

1812. There had been built on Lake Ontario, out of the gun boat appropriations, but by a fortunate improvement upon Jefferson's model, a sloop of war of light draft, mounting 16 guns. This vessel, called the Oneida, had been furnished, just before the breaking out of the war, with a

July 19. regular-bred commander and crew. Attacked shortly after at Sackett's Harbor by five British vessels, three of them larger than herself, but manned only by lake waterman, she succeeded, by landing part of her guns, and establishing a battery on shore, in beating them off. Hull's failure having shown how important was the control of the lakes, a judicious selection was made of Captain Chauncey, hitherto at the head of the New York Navy Yard, to take command on those waters. He was sent to Sackett's Harbor, then held by a garrison of 200 regulars, accompanied Henry Eckford as naval con-

Sept. structor, and soon followed by ship-carpenters, naval stores, guns, and presently by parties of seamen. That newly-settled region could supply nothing but timber; every thing else had to be transported from Albany at vast expense, much of the way through the original wilderness. The imperfect boat navigation of the Mohawk and Wood Creek furnished a conveyance as far as Lake Oneida. Descending thence by the Oswego, the boats coasted the shore of Lake Ontario, not without great risk of capture. A twenty-four gun ship was at once commenced; but for immediate use, Chauncey purchased six of the small schooners employed in the then infant commerce of the lake, which, though very ill adapted for war, he armed with four guns each. With these and the Oneida he put out on the lake, and soon drove

Nov. 8 the British ships into Kingston. This was an excellent

port opposite Sackett's Harbor, and some twenty miles north of it, the Frontenac of the old French wars, by this time a considerable town, and, like York (now Toronto), at the opposite end of the lake, a British naval station, far exceeding in population and resources any town on the American side. The American ships followed the British into Kingston harbor, nor did they retire without a vigorous contest with the batteries and the garrison.

While thus employed, Chauncey had sent Lieutenant Elliot to Buffalo, with a party of seamen, to make arrangements for a force on the upper lakes. Elliot, soon after his arrival, succeeded in cutting out from under the guns of Fort Erie, nearly opposite Buffalo, two British vessels just arrived from Detroit. One, the late Adams, which the British had armed and equipped, grounded, and it became necessary to destroy her. The other, the Caledonia, of two guns, was brought off, and became the nucleus of the naval force of Lake Erie. Elliot also purchased several small schooners lying in the Niagara River; but they, as well as the Caledonia, lay blockaded at Black Rock, the passage into the lake being commanded by the guns of Fort Erie.

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The troops along the Niagara frontier, highly excited by Elliot's exploit, demanded to be led against the enemy; and, under the idea that the British village of Queenstown, at the foot of the falls, might furnish comfortable winter quarters for a part of his troops, Van Rensselaer resolved to attack it. The first attempt to cross failed, through some blunder about the boats; nor were those provided for the second attempt able to carry more than half the advanced party at once. That party consisted of 600 men, half regulars and half militia. Colonel Van Rensselaer, a kinsman of the general's, who

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commanded the militia, getting separated from his men, crossed with the regulars. The boat of Colonel Christie, who commanded the regulars, failed, in the first instance, owing to the current, to make the opposite shore. The two or three hundred men who effected a landing were soon discovered, and exposed to a sharp fire from a battery of the enemy on the bank above, which also swept the river and the American shore. Rensselaer soon fell, severely wounded; but, under his orders, Captains Ogilvie and Wool stormed the battery, and drove its defenders into a neighboring stone house. In attempting a sally from this house, the British general, Brock, who had come up on the first alarm, was slain; but the house still remained in the enemy's possession, and annoyed with its musketry those who attempted to land. During the next six hours not more than five or six hundred men were got over, along with a single piece of artillery; nor, for want of tools, was any thing done in the way of intrenchments. A body of Indians, of whom there were several villages on the Grand River (emigrants from New York during the Revolutionary war), issued from a neighboring wood, and drove before them a straggling body of the militia, whose flight at first produced a serious panic; but the Indians were charged and repelled by Lieutenant-colonel Scott, who had crossed as a volunteer, and who put himself, for that purpose, at the head of a party of regulars. The sight of the wounded brought across the river had a good deal damped the ardor of the militia, and had contributed, along with the fewness of the boats, and the want of system and arrangement, to retard their embarkation. When at length the musketry was heard of General Sheafe, advancing from Fort George, near the shore of the lake, five miles below, quite overcome at the prospect of this new danger, the militia fell

back on their constitutional rights, denying the general's authority to march them into Canada, and resisting all efforts to induce them to embark, for which, indeed, the boats were entirely insufficient. Those on the Canada shore, though nearly as numerous as Sheafe's force, in attempting to fall back to the water side, were thrown into confusion, and obliged to surrender. The total loss in killed, wounded, and prisoners, mostly the latter, was upward of 1000. The British loss was about 100. Mortified to the highest degree, Van Rensselaer resigned in disgust, and the command passed to Smythe, the inspector general, who was forbidden to make any attempt at crossing with less than 3000 men, and boats sufficient to take that number at once.

In consequence of Hull's alarming dispatches, a force to support him had been organized at Georgetown, in Kentucky, consisting of a regiment of regulars, all that could be raised in that very warlike state, and of three regiments of militia volunteers, speedily filled up under the stimulus of Clay's eloquence, and his assurances that Malden, and all Upper Canada along with it, must already have fallen into Hull's hands. But before these troops had crossed the Ohio, news arrived of the fall of Detroit.

The dash, not long afterward, of an Indian party southward, and the murder or capture of several families on the southernmost waters of the White River, served to aggravate the alarm. Harrison, under authority from Washington, had already called for the remainder of the Kentucky quota of militia, for the defense of Indiana. Governor Scott ordered out other troops on his own authority. Kentucky became a complete scene of military parade and enthusiasm, and in a short time some ten thousand men were hastening to the scene of hostilities.

The Kentuckians had great confidence in Harrison's

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military abilities. The troops, on their march for Detroit, insisted on him as a commander; and, with little regard to the law, which limited commands in the militia to resident citizens, he was made a Kentucky major general by brevet. The Governor of Ohio, on hearing of the fall of Detroit, pushed forward General Tupper, with 2000 men, the remainder of the Ohio quota, as far as Urbana. When the news reached Washington, still other detachments were ordered from Western Virginia and Pennsylvania. In ignorance of the arrangements

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in Kentucky, Winchester was assigned to the chief command, while Harrison was to undertake the defense of Indiana and Illinois, with the rank of brigadier general, the same rank being also conferred upon Boyd, the

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other joint hero of Tippecanoe. Having reached Piqua with the Kentucky troops, Harrison sent forward a detachment to relieve Fort Wayne. The attempt of the Indians against Fort Harrison, on the Wabash, first by stratagem and then by force, had been already foiled by the sagacity and courage of Captain Taylor, the future major general and president.

Harrison's column having moved on to Fort Wayne, Winchester overtook it there, and assumed the command. He, like Hull, had been a Revolutionary officer, but was now old; nor, as a stranger, did he possess the confidence of the troops. While he advanced slowly and cautiously toward Fort Defiance, Harrison, without accepting his new appointment as brigadier, returned to Piqua, in hopes to organize a volunteer mounted force for a dash upon Detroit by the inland route of the St. Joseph's—a romantic scheme, cut short by his appointment, in consequence of representations sent from Kentucky, to the chief command of the Western army. That army, including the 3500 militia ordered from the East, but not

yet arrived, was estimated at 10,000 men. Some 4000 mounted Kentucky militia, not included in this estimate, commanded by General Hopkins, another old Revolutionary officer, had assembled at Vincennes, in consequence of the late Indian alarm. Marching thence to Fort Harrison, but not finding the Indians there, they crossed the Wabash, with a view of attacking the Kickapoo villages on the eastern tributaries of the Illinois. These villages were supposed to be within eighty miles, but were, in fact, near twice as distant. The intervening country was a great prairie; and, after four days' march through it, falling short of provisions, suspecting treachery in the guides, and frightened by the fires which the Indians had kindled, this army of Kentucky horsemen, seized with a sudden panic, in spite of the orders and entreaties of their general, turned about, and retired to Vincennes. The honors of the campaign were thus left to Edwards, governor of the Illinois Territory, who had advanced up the Illinois River with some 400 men, to co-operate with Hopkins, and who succeeded in destroying several Indian villages above Peoria.

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Harrison, meanwhile, being vested with discretionary authority as to expense, was busily employed in pushing forward provisions to Fort Defiance, Fort M'Arthur, and Upper Sandusky, whence his troops were to march for concentration at the falls of the Maumee, where another depôt was to be established. The swampy character of that wild country, an evil aggravated by the autumn rains, and the incapable sort of people who alone could be had to act as drivers for the pack-horses, involved immense losses, and, finally, proved insurmountable obstacles. The troops, also, became discontented and mutinous. Repeated orders given to Tupper's division, then at Fort M'Arthur, to advance to the Maumee Rapids,

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were not obeyed. In fact, that column, instead of advancing, fell back to Urbana. Harrison had been very sanguine of retaking Detroit before winter, but, having failed in every thing except the destruction of two Potawatomie villages on the St. Joseph's, by an Ohio detachment of 500 mounted men, under Colonel Trimble,

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he was compelled to suspend operations till the freezing of the swamps might facilitate his advance.

After the discharge of his mutinous troopers, Hopkins

Nov.

undertook another expedition, composed of 1200 infantry and a small party of regulars under Taylor, promoted to the rank of major for his late successful defense of Fort Harrison. They marched up the Wabash to the mouth of the Tippecanoe; but the approach of winter, and the insufficient clothing of the troops, obliged them to return, after breaking up two or three Indian villages.

Nor were these Western failures redeemed by better success on the New York frontier. The column under Dearborn's immediate command, composed of Bloomfield's and Chandler's brigades, by this time near 5000 strong, with 3000 militia from New York and Vermont, had pushed up Lake Champlain as far as Plattsburg, and thence to the frontier. But, though Dearborn had pressing orders to strike some blow, and unlimited authority as to expense, and though the road to Montreal was almost bare of troops, little was attempted and still

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less was accomplished. Pike led a party across the line, and burned a block-house. Another detachment surprised a British guard stationed at the Indian village of St. Regis, on the St. Lawrence. Some prisoners were made here, the first on land during the war. There was some exultation, also, over a captured flag, said to have been taken by William L. Marcy, then first commencing his public career; but this, the British alleged, was no

military standard, only the flag of the Indian agent. The great effort of the campaign was the advance, by night, of a column of 1500 men, against the extreme southern outpost of the enemy, a block-house behind the River La Colle, occupied by a party of British and Indians, who broke through the advance of the assailants and escaped. A second American detachment coming up, was mistaken, in the darkness, by those of the first, for a British party, and a smart firing ensued, with considerable loss. The mistake being discovered, both detachments retreated, leaving their dead behind. The main army soon after retired into winter quarters at Plattsburg and Burlington; the regulars greatly enfeebled by sickness, the militia, as Dearborn alleged, refusing to march into Canada, though the greater part had volunteered to do so. Even the single success in the neighborhood of St. Regis was counterbalanced by the capture of an American party at Salmon River, near by.

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Smythe, meanwhile, on the Niagara frontier, had issued two grandiloquent proclamations, one of which, addressed to the men of New York, had drawn out a body of volunteers for the special purpose of invading Canada. These volunteers were commanded by Porter, late chairman of the Committee on Foreign Relations, who took this opportunity to redeem his pledge of personal participation in the "war feast." Smythe's force at Black Rock was thus swelled to 4000 effective men, including about 1500 regulars. The advance of the intended invasion consisted of two parties; one, including a body of sailors, just arrived at Buffalo to man the Erie fleet, was sent to surprise a small British post on the opposite shore; the other, under Colonel Boerstler, was to destroy the bridge over the Chippewa, so as to interrupt the advance of the British from their stations below. Not more

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than half of either party succeeded in landing. The post was surprised and taken; but the sailors, on their return, brought off the boats belonging to the soldiers of their party, whom they supposed to have recrossed already; and these soldiers, thus deprived of the means of crossing, fell into the enemy's hands. Boerstler's party returned without effecting any thing. A third party, under Colonel Winder, sent to look after those left behind, was repulsed with some loss.

Another attack was still talked of, and body of troops
Dec. 1. was actually embarked; but a council of war advised to give it up, the regulars were so sickly, and the volunteers and militia so insubordinate, those from Pennsylvania deserting without ceremony in large numbers. The campaign ended with a gasconading call on Fort Erie to surrender, and a violent newspaper controversy, followed by a bloodless duel, between Smythe and Porter. Porter accused Smythe of cowardice; Smythe replied that Porter's anxiety for crossing into Canada grew entirely out of his hope of getting rid, in that way, of a losing contract for supplying the troops with provisions. The insubordination of Porter did not lack imitators; and Smythe, after being shot at in the streets, was hissed and hooted from one place to another, till at last he sought refuge in his native Virginia.

For these repeated disasters and failures by land, so humbling to the pride of the war party, and ridiculed without mercy in the Federal newspapers, unexpected consolation was found in the exploits of the little despised Federal navy. The ships in commission at the commencement of the war were three first-class frigates, the President, the Constitution, and the United States; the Congress and Essex, frigates of the second class; the John Adams, which, however, was soon laid up as

unfit to cruise; the Wasp, and the Hornet, sloops of war; the Argus, Syren, Nautilus, Enterprise, and Vixen, brigs. Three second-class frigates, the Chesapeake, Constellation, and John Adams, were undergoing repairs. These, with a hundred and seventy gun-boats, and three old frigates, too rotten to be repaired, constituted the entire American navy. 1812.

When war was declared, the ships in commission were all on the coast except the Wasp, then on her way home from France. If concentrated, they might have proved a match for the British squadron, under Captain Broke, then on the American station, which consisted of the Africa 64, an old ship, the Shannon, Guerriere, Belvidera, and Eolus, second-class frigates, and several smaller vessels. But so far from any such scheme, though they were ordered to assemble at New York, a design seems to have been formed, in accordance with the views of the anti-naval party, not to expose the ships to inevitable capture by sending them to sea, but to retain them at home for harbor defense; if not, indeed, to save the expense of their equipments by laying them up in ordinary; a design abandoned only in consequence of the earnest remonstrances of Bainbridge and Stewart. Rodgers lay in the harbor of New York when war was declared, with the President, the Essex, Captain Porter, and the Hornet, Commander Lawrence; and he was joined there three days after by the United States, Captain Decatur, the Congress, Captain Smith, and the Argus, Captain Sinclair. The moment he received official notice of hostilities, he hastened to get to sea with these vessels, except the Essex, which was not quite ready—as much, it would seem, from apprehension of being detained by his own government, as in hope of intercepting the homeward bound Jamaica convoy, understood then to be off the coast.

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Two days out, a British frigate, known afterward to be the Belvidera, was discovered, to which the squadron gave chase. The President, shooting ahead of her consorts, June 23. gained upon the flying frigate, and an exchange of shots took place, not without effect on both sides. By the bursting of one of the President's guns, sixteen of her men were killed or wounded, the forecastle deck blown up, and Rodgers himself badly hurt. The chase still continued, but the British frigate effected her escape, though not without difficulty, and carried to Halifax the first news of the war. Broke, with the Asia and his four frigates, then proceeded to cruise off the port of New York. The Essex had got out a few days before; but the Nautilus, which had reached New York shortly after Rodgers's departure, in attempting to follow the Essex to sea, fell among the British ships and was taken. The Constitution, Captain Hull, as she approached New York from Annapolis, under orders to join Rodgers, fell in also July 29. with the British squadron. After a remarkable chase, protracted through four days; sometimes towed by her boats, for the wind came in light breezes with frequent calms; sometimes forcing herself forward by means of kedge anchors carried ahead, for the chase was mostly over soundings; exhausting, in fact, with the greatest skill and perseverance, every nautical resource, and now and then exchanging shots with the headmost of her pursuers, the Constitution escaped into Boston. Orders were immediately forwarded to Hull to remain there, but he had anticipated their arrival by putting to sea.

Rodgers, meanwhile, continued to follow the Jamaica fleet, of which he constantly discovered new traces; but having reached the chops of the British Channel without overtaking it, he stood for Madeira, and thence by way of the Grand Bank for Boston, without capturing any

thing of consequence. The Essex succeeded in cutting out of a convoy a transport filled with troops. She also captured a British sloop of war, the Alert, which had borne down upon her while disguised as a merchantman. Being dangerously pressed, on her return, by some of Broke's frigates, which cut her off from New York, she escaped into the Delaware. 1812. Sept. 6.

The Constitution, having followed the coast to the entrance of the Gulf of St. Lawrence, while cruising there, discovered a British frigate, the Guerriere, one of those by which she had lately been chased, and which, now, as if courting an engagement, shortened sail and waited her approach, opening upon her as she came within range. The Constitution held back her fire till she had taken a position yard-arm to yard-arm, a maneuver in which the Guerriere hastened to assist. While thus running side by side, the mizzen-mast of the British frigate soon fell; the Constitution, shooting ahead, luffed across her bows; the ships became entangled, and both crews prepared to board; but this the fierce fire of musketry made impracticable. The sails of the Constitution were then filled, and as she separated from the enemy, his mainmast and foremast both went by the board. The Guerriere thus rendered helpless, the Constitution stood off and repaired the damages to her rigging, after which she took a raking position, when the British flag flying till now at the stump of the Guerriere's mizzen-mast was finally struck. The whole combat had lasted two hours, but the close fighting had not been more than thirty minutes. The Constitution, which had already repaired the slight damage to her rigging and sails, had seven killed and as many wounded. The Guerriere had seventy-nine killed and wounded, and, besides losing her masts, was so much damaged in her Aug. 19.

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hull as to be in danger of sinking. Among her crew were ten impressed Americans, who, having refused to fight, had been sent below. The wreck was set on fire and blown up, after which the Constitution returned with her prisoners to Boston, where she was received with the greatest exultation.

Aug. 30.

Fired by this exploit, Rodgers, leaving the Hornet behind, sailed soon after on a second cruise, with the President, United States, Congress, and Argus. The vessels having parted company, the United States, Captain Decatur, then to the southward of the Azores, gave chase to a ship, which proved to be the British frigate Macedonian. Having the wind, she foiled for some time Decatur's attempts to bring on a close action. The fight began at too great a distance for the use of carronades with the long guns, twenty-fours in the United States, eighteens in the Macedonian, a bad maneuver for the latter vessel,—the greater damage to whose rigging presently enabled Decatur to close, when the British frigate struck, having lost her mizzen-mast, her main and foretop masts, and main yard, with heavy damages to her hull, and having upward of a hundred killed and wounded out of a crew of three hundred men. The United States had only five killed and seven wounded, with considerable, though no serious damage to her rigging. The Macedonian was manned with a prize crew; and with a jury mizzen-mast rigged, was escorted into Newport by the United States, both vessels soon after proceeding by the Sound to New York. The President, meanwhile, cruising alone, captured a packet with $200,000 in specie, and a number of merchant vessels. The Congress took nothing of value. The Argus was chased for three days and nights by a squadron of six ships, from which she escaped only by cutting away

Sept. 4.

Oct. 25.

her anchors and throwing her boats overboard. Yet she succeeded, pending the chase, in taking and manning a prize, one of five which she made during the cruise. CHAPTER XXV. 1812.

Just before the capture of the Macedonian, another naval contest had occurred, not less creditable to the American navy, though terminating less fortunately for the captors. The Wasp, Captain Jones, having returned from Europe, had proceeded on a cruise, and when about half way from Cape Cod to the Bermudas, had discovered and chased six British merchantmen, under charge of the Frolic, a war brig, which shortened sail with the evident intention of giving battle, to cover her convoy. The Wasp ranged up within a short distance, when a furious cannonade began. The enemy's shot, aided by the extreme roughness of the sea, soon brought down the Wasp's main-top-mast, which fell in such a way among the rigging as to render her sails unmanageable, and was followed soon after by the mizzen-top-gallant-mast. Presently the vessels ran foul, the enemy's bowsprit over the Wasp's quarter-deck, thus giving the Wasp an opportunity for a raking fire, which her crew followed up by boarding. They found the Frolic's deck slippery with blood, and strewed with killed. The only man at his post was the man at the wheel, still faithful to his trust, amid the carnage. Two or three wounded officers threw down their swords, and the flag was lowered by the Wasp's lieutenant. Of the crew not twenty remained unhurt, and soon after the vessels separated both the Frolic's masts went by the board. The Wasp had five killed and five wounded; but, before she could be put into a condition to make sail, the Poictiers 74, then on her way to blockade the Delaware, came up and took possession of both vessels, which she carried into Bermuda. The Vixen, also, was presently taken off the Oct. 13

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coast of the Southern States by the British frigate Southampton, Sir James Yeo, after a very hard chase. Shortly after the capture, both vessels were cast away on the Bahamas, on which occasion the American crew behaved so well as to receive the acknowledgments of Yeo, and his promise to obtain for them every indulgence and the earliest exchange in his power.

The effect of these early naval encounters, whether in America or in England, was very striking. While they served to comfort the war party, mortified to the last degree by the imbecility and misfortunes of their incapable generals, the Federalists also joined to extol them as proofs that commerce was best to be defended at sea, and as justifying their ancient partiality for a navy, which now became all at once, in spite of old party prejudices, the general favorite of the nation. It was proclaimed, with many boastings, that the downfall of Great Britain must certainly be near, since at last she had found her match on the ocean; and these exultations and prophecies, however extravagant, seemed to be justified by the astonishment and mortification of the British themselves. Apprehensions were freely expressed in their newspapers of being stripped "by a piece of striped bunting flying at the mast-heads of a few fir-built frigates, manned by a handful of bastards and outlaws"—such being the polite terms in which, with angry flourish, the American navy and people were described—of that maritime superiority, into a confession of which every nation in Europe had been successively beaten. Presently, however, recovering a little from their amazement and terror, explanations and apologies were sought for and found. The victorious American frigates, it was said, were larger ships than their opponents, with more men, more guns by half a dozen or so, and heavier metal, twenty-fours on the gun-

deck instead of eighteens; and it was even pretended that they were chiefly manned by runaway British sailors. Except the British sailors, this was all true enough; but it hardly justified the exaggeration that the American frigates were seventy-fours in disguise; nor did it apply to the case of the Wasp and the Frolic, which were equally matched. The difference, indeed, was not so great as to have been much thought of in contests with ships of any other flag; nor was it at all sufficient to explain, if other things were equal, such speedy and total defeats with such disparity of loss. It was too plain that the American ships were not only larger and stronger, but better handled and better fought—a circumstance, on the supposition of a general equality in skill and courage, natural enough in a few vessels with reputations to make, insults and taunts to revenge, and sailors' rights to fight for; but, even thus explained, breaking much too rudely upon the English dream of naval invincibility to be anywise acceptable. Forethought, and with it a tendency to see the gloomy side, are the characteristics of the English mind. The harm that a few frigates could immediately do might be of little consequence; but who could tell what might happen in the future? And, indeed, even for the present, with Bonaparte desperately bent on the destruction of Britain and her commerce, what was not to be apprehended from the springing into existence of a new hostile naval power?

A considerable part of the inhabitants of New England, whence in former wars the greater proportion of American privateers had issued, had now serious scruples upon that point. The growing spirit of civilization and commerce had begun to view this species of warfare as little better than robbery. Jefferson had testified against

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it in his model treaty with Prussia, in which the contracting parties had mutually renounced this species of annoyance. Why, indeed, should not private property be as much respected on sea as on land? It shocked the moral sense of many, this seizing and appropriating the ships of their late British correspondents, who, though nationally enemies, still remained mercantile and personal friends. Most of the Federalist ship-owners and sea-faring people, and some who were Democrats, refused to participate in what had so much the aspect of piracy. But the prospect of plunder, the gloss of patriotism, the thirst for revenge, and the impulse of necessity, still fitted out numerous privateers, as well from the ports of New England, especially from Salem, the head-quarters of the Massachusetts Democracy, as from New York, Philadelphia, and Baltimore; and before the close of the year, more than three hundred prizes had been made by the American cruisers, public and private, including, however, a number of American vessels sailing under British licenses. Several American privateers were taken by British cruisers of superior force; but, in such actions as occurred, the rising reputation of America for naval skill and valor was well sustained.

It was not alone on the question of a navy that the Democratic party now abandoned their former doctrines. In the formation of the Federal Constitution, no point had been more difficult to settle than the partition between the states and the general government of authority over the militia. As finally arranged, Congress had been empowered to prescribe a uniform system of organization and discipline, and rules for the government of the militia when in the actual service of the United States; but the authority to call them into that service, vested subsequently, by act of Congress, in the presi-

dent, was carefully limited to three special emergencies —the executing the laws of the Union, suppressing insurrections, and repelling invasions. The appointment of the officers, and the organizing and training, according to the prescribed method—indeed, every other authority not expressly conferred upon Congress, was as expressly reserved to the states. The project of invading Canada having caused the regulars in garrison on the sea-board to be drawn off toward the inland frontier, even before the declaration of war, a call had been made for detachments of militia for garrison duty in their stead. The governors of Massachusetts and Connecticut, thus called upon, claiming to be joint judges with the president whether the emergency specified did really exist, denied any such danger of invasion as would justify the president in making the call, or themselves in obeying it. Strong added, also, weighty objections to the policy of the measure, so far as Massachusetts was concerned. The sea-coast of that state was thickly peopled, and its militia in a good state of drill and discipline; and since, on any appearance of danger, they could be instantly drawn together at the points threatened, it did not seem wise, as things stood at present, to subject the nation to the expense, or the citizens to the inconvenience, of detachments for garrison duty.

June 12.

The articles of war, as enacted by Congress, gave the command, where militia and regulars acted together, to the superior officer present, whether of the militia or the regular army; in cases of equal rank, the regular officer to take precedence. To secure the command of the New England militia to regular officers, the first calls had been made, as during the embargo, for detached companies and battalions, without the regular quota of field officers. This also was complained of, now as then, as

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being an irregularity, to which the governors of Connecticut and Massachusetts refused to submit. Indeed, they denied the constitutional validity of the articles of war, in which they were supported by a solemn opinion of the judges of the Supreme Court of Massachusetts, or that the militia could be commanded except by its own officers; as otherwise the right of the state to appoint those officers would be defeated in its most essential point. The Democratic party having passed, since the embargo, from ultra-State Rights to ultra-Federal views, raised a great outcry against these doctrines; in which, however, the governor of Rhode Island, and the Governor and Lower House of Maryland, also concurred; and this clamor reached a still higher pitch when the Legislature of Connecticut, desirous to provide for its own defense by some method less expensive and vexatious than

Oct.

detachments of militia, passed a law for raising a provisional army of 2600 men for special state defence, of which Humphreys was named the commander.

But, while thus clamorous against Strong and Griswold, the Democrats suffered to pass, without the slightest censure, far more flagrant acts of insubordination in another quarter, not palliated, either, by any doubtful question of authority. The people of Georgia were by no means satisfied with the decision of the president against the seizure of East Florida. Not only did Governor Mitchell, notwithstanding his express orders, continue to delay withdrawing the troops, but the Adjutant General of Georgia got up an expedition against the Seminole Indians under the Spanish jurisdiction—a mere private war, as Mitchell afterward pretended, though the leader, in his report of it, claimed to have acted under the governor's orders. This expedition penetrated as far

Sept. 24.

south as Lake George, but was presently compelled to

retreat, reduced to the verge of starvation, and not without considerable loss. Some of the Upper Creeks having gone to the assistance of their friends, thus illegally attacked, the authorities of Georgia demanded their surrender for punishment, and made great complaints because the Creek chiefs refused to give them up. The Georgia Legislature resolved that, whether Congress authorized it or not, the occupation of Florida was essential to their safety and welfare, and they passed an act to raise a state force to reduce St. Augustine, and to punish the Indians; which act gave occasion to a second expedition of some four hundred volunteers, partly Georgians and partly adventurers from East Tennessee, whose exploits, however, were limited to burning the cornfields and driving off the cattle of the Seminoles. About the same time, also, commenced an influx of armed adventurers from Mississippi and Louisiana into Texas, under pretense of assisting the few inhabitants to throw off the Spanish yoke.

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Meanwhile, that presidential election, so disastrously availed of to bring on the war, had reached its final decision. Notwithstanding the inducements held out to Clinton to withdraw his pretensions, by promises that he should be the next Republican candidate, he had still persisted; and it had soon appeared that, besides his Republican supporters, he would also obtain the votes of the Federalists. Clinton's own committee did not avow any opposition to the war. They dwelt rather on the impropriety of congressional nominations, resulting, as they always did, in the selection of a Virginia candidate; and on the interest of New York, whose capital, as well as her frontiers, were threatened by the enemy, in having a president in whom she could trust, and able, by his ex-

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ecutive talents, to make up for the want of forecast and capacity hitherto exhibited in the conduct of the war.

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For the purpose of deciding what course their party should take, a convention of Federalists from all the states north of the Potomac, with delegates, also, from

Sept.

South Carolina, assembled in New York. They met privately, with closed doors, and three days were consumed in eager debates. The adoption of Clinton as their candidate was very eagerly opposed by King and others, who denounced him as a mere ambitious demagogue, a second Aaron Burr. That course was, nevertheless, finally agreed upon, principally through the urgency and eloquence of Otis, on the ground that the defeat of Madison would speedily lead to a peace, for which the door stood open in the repeal of the orders in council. The Clintonians, in their turn, agreed to adopt as their candidate for the vice-presidency Jared Ingersoll, a Pennsylvanian of New England origin, first attorney general of that state, and lately re-appointed to the same office by Snyder, a Federalist, but a moderate one, and never much mixed up in politics. Under the adroit management of Martin Van Buren, who, as a member of the Senate of New York, now first appeared on the political stage, the Clintonians, in spite of the underhand opposition of Governor Tompkins, succeeded, by the aid of their Federal allies, in choosing their ticket for electors. A similar result occurred in New Jersey, and in all the New England states except Vermont, where the Legislature, to make all sure, in the very close division of parties, assumed the choice of electors to themselves. The addition of five out of the eleven Maryland votes raised the number for Clinton to 89. The states south and west of the Potomac, including Ohio, voted in a body for Madison, and gave him an equal number

Vermont, Pennsylvania, and the six Democratic districts of Maryland raised Madison's vote to 128. The supporters of Clinton had entertained no hopes of Pennsylvania, so long Virginia's patient pack-horse, but they had expected that Vermont and North Carolina, in which latter state the peace Democrats were numerous, might have given them the victory. In Massachusetts, so lately Democratic, the peace electors obtained a majority of 24,000, and, in the ensuing congressional election, fifteen Federalists were chosen to five Democrats. The new delegation from New Hampshire were all Federalists. In New York, owing partly to dissensions between the Clintonians and Madisonians, the Federalists chose nineteen out of the twenty-three members. They also carried the New Jersey Legislature, and half of the congressional delegation.

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SECOND SESSION OF THE TWELFTH CONGRESS. BRITISH DECLARATION. HARRISON'S THIRD CAMPAIGN. NAVAL AFFAIRS. MADISON'S SECOND INAUGURAL ADDRESS. RUSSIAN MEDIATION. BLOCKADE OF THE COAST. STATE AFFAIRS. NEW MILITARY ARRANGEMENTS. SEIZURE OF MOBILE. SIEGE OF FORT MEIGS. DEARBORN'S NIAGARA CAMPAIGN. FIRST SESSION OF THE THIRTEENTH CONGRESS. SECOND INVASION OF OHIO. PERRY'S VICTORY. HARRISON'S FOURTH CAMPAIGN. RECOVERY OF DETROIT.

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THE war majority, though excessively mortified at the total failure of their schemes of conquest, found consolation, however, not only in the exploits of the navy and in the re-election of Madison, but in the progress of the European contest. The victory of Salamanca, and the flight of Joseph Bonaparte from Madrid, had excited apprehensions of British triumph in that quarter, but, at the latest accounts, Madrid had been recovered, and the French dominion seemed to be re-established. At the same time, news had come of Bonaparte's triumph at the terrible battle of Borodino, and of his entry into Moscow, whence it was confidently expected that, according to his custom, he would speedily dictate a peace. With all Europe united against her, could Great Britain long delay that downfall with which she had so long been threatened?

Oct. 26.

Considerable importance was attached by the newspapers to Barlow's having set out for Wilna, there to meet Bonaparte at his special request. The nominal ob-

ject was to complete the commercial treaty with which Barlow had been so long tantalized; but the zealous supporters of the war looked earnestly for some arrangement by which French ships, manned by American sailors, might be brought into play against Great Britain. If Bonaparte entertained any such plans, they were defeated as well by Barlow's sudden death at Warsaw, without having seen the emperor, as by Bonaparte's own rapid and terrible disasters. To the first rumors of those disasters, which began to arrive subsequently to the meeting of Congress, coming as they did through English papers, little credit was given by the advocates for war, especially as Bonaparte's bulletins continued to put a good face upon matters, and to represent his flight and ruin as a mere retreat into winter quarters.

To fill up the ranks of the army, the pay of privates was raised from six to eight dollars per month, recruits to be guaranteed from arrest for debt, and to have the option of enlisting for five years or the war. A clause in this bill as it passed the House, allowing the enlistment of minors without the consent of their parents or masters, excited a very sharp debate. It was defended Nov. 20–1 as being the practice in France, and on the ground that boys made the best soldiers. Quincy assailed it with great vehemence, as an interference with the rights of parents and masters in conflict with that clause of the Constitution which prohibited the taking private property for public use without compensation; as bearing particularly hard on the North, their apprentices being taken for soldiers, while the slaves of the South were exempt; and as a demoralizing law, tending to encourage the seduction of children from their parents, which, should Congress dare to pass it, would be met in New England by the good old state laws against kidnapping and man-stealing.

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Williams, chairman of the military committee, taking fire at Quincy's assertion that the bill contained "an atro-

1812. cious principle," retorted upon him the charge of "atrocious falsehood," besides an abundance more of vehement and insulting vituperation, with which it was quite customary for Southern gentlemen (so called) to attempt to browbeat and silence Quincy. Williams attacked, also, the State of Massachusetts, as almost in arms against the government. If she dared to resist the law, he would teach her her duty; he would let her understand that she was a member of the Union, not its arbitress. Macon, on the other hand, thought that no man ought to be called on to serve as a soldier till he was old enough to enjoy political rights. Randolph deprecated the attempts of Williams to dragoon Massachusetts, and, without justifying Quincy's violence, he reminded his Democratic friends of the extreme measures to which the Republican party had not scrupled to resort, and that too successfully, to put a stop to Adams's French war. Such, indeed, was the force of the objections to this clause, that in the Senate it was struck out by a large

1813. majority, an amendment in which the House concurred.

Jan 20. The House voted to increase the bounty to recruits from $16 to $40, but the Senate would only agree to an advance to that amount out of the soldiers' wages. The allowance to recruiting officers was increased to four dollars a man, and they were authorized to enlist militia-men while engaged in actual service.

The volunteer system of the last session had proved exceedingly expensive and wholly inefficient. Of the officers chosen by the volunteers many were very ignorant of their duties, and very few able or willing to enforce any strictness of discipline. That act was accord-

Jan. 29. ingly repealed, and, as a substitute for it, the president

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was authorized to enlist twenty regiments of twelve months' regulars, to whom a bounty of $16 was offered. Six new major generals and six additional brigadiers were authorized, and the number of company and regimental officers was increased. Attempts were also made to invigorate the commissary and quarter-master's departments, both of which had been found very inadequate. A bill for arming and classifying the militia passed the House, but was lost in the Senate. Feb. 21.

The debate on the bill for the twelve months' regiments diverged into a general discussion of the whole policy of the administration and of the war. Undeterred by the systematic attempts, long practised and again renewed, to put him down by interruption and insult, Quincy led off with all his usual vehemence, and with greater bitterness than ever. He denounced the invasion of Canada as a cruel, wanton, senseless, and wicked attack, in which neither plunder nor glory was to be gained, upon an unoffending people, bound to us by ties of blood and good neighborhood; undertaken for the punishment, over their shoulders, of another people three thousand miles off, by young politicians, fluttering and cackling on the floor of that House, half hatched, the shell still on their heads, and their pin feathers not yet shed, politicians to whom reason, justice, pity were nothing, revenge every thing; bad policy too, since the display of such a grasping spirit only tended to alienate from us that large minority of the British people anxious to compel their ministers to respect our maritime rights. So thought the people of New England, and hence the difficulty of getting recruits. The toad-eaters of the palace, party men in pursuit of commissions, fat contracts, judgeships, and offices for themselves, their fathers, sons, brothers, uncles, and cousins, might assert otherwise; but the people had Jan. 5.

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spoken in the late elections. There were in New England multitudes of judicious, patriotic, honest, sober men, who, if their judgments and their consciences went with the war, would rush to the standard of their country at the winding of a horn, but to whom the present call sounded rather as a jew's-harp or a banjo.

The leaders in Congress might, indeed, shelter themselves under the charge of passion, ignorance, and inexperience, but it was not so with the administration. The cabinet had plunged into the war against its inclination and its judgment, to keep itself in place—a natural termination of that policy of stimulating antipathy to Great Britain by which it had gained and had kept its power. That administration, itself under French influence and dictation, had, for twelve years, ruled the country with authority little short of despotic, composed, all the while, to all efficient purposes, of two Virginians and a foreigner; he ought, perhaps, in strictness, to say of three Virginians, since during the twelve years there had been a change in one of the characters. But there had been no change in the spirit and policy of the cabinet, whose leading object it seemed to be, and for the sake of which they had suffered themselves to be forced into this war, to perpetuate power in the hands of a narrow Virginia clique, to the exclusion from office and influence of all men of talents, even of their own party, not connected with that clique. The successorship of Monroe was already as decidedly fixed upon and familiarly talked of as Madison's had been during Jefferson's reign; and, as a stepping-stone to it, they were now about to make him generalissimo of their army—an army of "choice spirits," likely enough, if they conquered Canada, to cut it up into lordships and dukedoms for themselves.

If the government would confine itself to a war of de-

fense, it should have his support; but for a war of conquest and annexation, whether in East Florida or Canada, he would not contribute a single dollar, Nor was he to be frightened from this ground by the old stale cry of British connection, raised anew by a pack of mangy, mongrel blood-hounds, for the most part of very recent importation, kept in pay by the administration to hunt down all who opposed the court, their necks still marked with the collar, and their backs sore with the stripes of European castigation. CHAPTER XXVI. 1813.

To this sarcastic and contemptuous speech it devolved upon Mr. Speaker Clay to reply, as well on behalf of the "unfledged politicians," at whose head he stood, as of the administration, forced by those politicians into the war. Imbodying, in his forcible manner, of which the printed reports of his speeches convey but a faint idea, the commonplaces of the Democratic newspapers, Clay charged the Federalists with having always, throughout the whole controversy with Great Britain, thwarted the plans of their own government; clamoring alike against the embargo, against the non-intercourse, against the non-importation; when the government were for peace, crying out for war; and now the government were at war, crying out for peace; falsely charging the president with being under French influence; heaping all kinds of abuse on Bonaparte; assailing Jefferson with impotent rage; spiriting up chimeras of Southern influence and Virginia dictation, as if the people did not choose their own presidents; going even so far as to plot the dissolution of the Union; to which he added pointed personal allusions to Quincy, whom he stigmatized as soiling the carpet on which he trod.

Even admitting that, had the repeal of the orders in council been known in America, the war would not have

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been declared, that was no reason for not going on with it now till all our other injuries were redressed. Whatever claim Great Britain might have to the service of her own sailors, or whatever right to enforce it—topics into which he did not propose to enter—no such claim and right, even though her existence might be involved in their enforcement, would justify her in sending her press-gangs into our ships, and there seizing our seamen, native as well as naturalized, and dragging them into a life of slavery in her service; and Clay's high-wrought picture of the wrongs and miseries thus endured drew tears from many of his audience. To make peace without some provision to guard the rights of our sailors, would be to abandon those rights, and to yield to the British claim.

As to the gentleman's sentimental protest against the invasion of Canada, was Canada so innocent after all? Was it not in Canada that the Indian tomahawks were whetted? Was it not from Malden and other Canadian magazines that the supplies had issued which had enabled the savage bands to butcher the garrison of Chicago? Was it not by a joint attack of Canadians and Indians that Michilimackinac had been reduced? What does a state of war present? The combined energies of one people arrayed against the combined energies of another, each aiming to inflict all the injury it can, whether by sea or land, upon the territories, property, and persons of the other, subject only to those mitigating usages practiced among civilized nations. The gentleman would not touch the British Continental possessions, nor, for the same reason, it was to be supposed, her West India islands; by the same rule, her innocent soldiers and sailors ought to be protected; and as, according to a well-known maxim, the king could do no wrong, there would

seem to be nobody left whom, on the gentleman's principles, we could attack, unless it were Mr. Stephen, the reputed author of the orders in council, or the Board of Admiralty, under whose authority our seamen were impressed. CHAPTER XXVI. 1813.

The administration had erred, in his opinion, not from too little solicitude for peace, but in betraying too great anxiety for it. An honorable peace was only to be obtained by an efficient war. The disasters on the frontier—except those of Hull's army, of which he could not trust himself to speak—had arisen, not from want of courage or military capacity, but from lack of discipline and experience. His plan would be to call out the ample resources of the country to the fullest extent, to strike wherever the enemy could be reached, by sea or land, and to negotiate a peace at Quebec or Halifax.

Here, indeed, Clay touched a very weak point of his case. He and his war friends had been able to force a peace cabinet unwillingly into war; but the conduct of that war—and this was one of the most serious objections to it—still remained in the hands of that same peace cabinet, not one of whose members was at all adapted, either by enterprise, energy, knowledge, or enthusiasm, for its successful prosecution. Eustis, indeed, in consequence of the increased clamor against him, had been persuaded to resign, and the duties of the War Department had been discharged for several weeks by Monroe, on whose suggestions the chief military bills of the session had been framed. Hamilton had been dismissed from the Navy Department to make way for William Jones, himself once a ship-master, a merchant, and active politician of Philadelphia, late commissary of purchases for the army. A few days after Quincy's speech, perhaps in consequence of it, Armstrong was appointed to the

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War Department. His pretensions to military knowledge were high; but an invincible indolence unfitted him for so laborious a station; nor did he enjoy the confidence of the president and of Monroe, by whom he seems to have been looked upon as a future New York candidate for the presidency, likely to interfere with the Virginia succession. It was, perhaps, quite as much a want of confidence in Monroe's military ability, as Quincy's premature disclosures, which defeated the project of a generalissimo. Williams, indeed, as chairman of the military committee, somewhat tardily denied that any such project had been entertained, but this declaration was far from impressing the public with very implicit belief.

The course to be taken as to the large amount of merchandise imported from England, in violation of the Non-importation Act, provoked a discussion hardly less violent than that on the war. Immediately upon the repeal of the British orders in council (June 23, 1812), all the American ships then in British ports had commenced loading with British merchandise, under the impression, which Russell, the American chargé d'affaires, encouraged, that as soon as this British revocation was known, a suspension of the Non-intercourse Act must take place under its own provisions; and this exportation had even been allowed by the British to go on for six weeks after the news of the declaration of war had reached England.

All of these goods to the invoice value of more than eighteen millions, and worth, perhaps, twice as much in the American market, had been seized on their arrival, as forfeit under the Non-importation Act; but, as some of the district judges, upon their own construction of the law, persisted, contrary to the wishes of the government, in giving up these goods to the claimants, on their filing

bonds for the estimated value, generally taken at the invoice cost or less, to give the Democratic merchants and districts an equal chance, the government finally ordered the like releases every where.

By the non-importation law, half the forfeiture belonged to the informer; and the government's share of the bonds, should they be enforced, would thus be reduced to nine millions. Should the bonds be canceled, more than half that amount would still accrue in the shape of duties. The importers were indeed liable, under the strict letter of the law, to an additional forfeiture of thrice the value of the goods, but to have attempted to enforce that, under the circumstances of the case, would have been quite too monstrous. The importers claimed, indeed, to have acted on a fair presumption of the cessation of the non-importation, and with the encouragement of the American envoy, and in thus getting their property home, to have taken a course not less beneficial to the country than to themselves. Gallatin's plan was to give up to the merchants the nine millions to which the informers were entitled, and to put the other half into the treasury. The Non-importation Act allowed to the president and the Secretary of the Treasury a wide discretion as to the enforcement or remission of penalties, but they were not disposed to take this responsibility, without a special authority from Congress. Finally, after hot debates, the entire forfeitures were remitted—a result to which Calhoun and Cheves greatly contributed. As chairman of the Committee of Ways and Means, Cheves made a strenuous but unsuccessful effort to procure a partial repeal of the Non-importation Act—a movement favored by Gallatin, as likely to add five millions to the revenue. But the old embargo men clung with great tenacity to this last remnant of the restrictive system,

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which, they insisted, was fast bringing Great Britain to ruin. Indeed, most of the Federalists voted against the bill of Cheves, as well because the repeal was not complete, as on account of the provisions in it for the more strict enforcement of what was left. Not content with the decisions of Story and other judges, presently sustained by the Supreme Court, declaring American vessels sailing under British licenses good prize, an attempt was made to impose additional penalties on their use. A bill to that effect passed the House, as did another, on the passionate recommendation of the president, forbidding exportations in neutral vessels; but both these approaches to the old embargo system were thrown out by the Senate.

By the help of temporary loans, obtained on treasury notes, and by leaving many expenses unpaid, the beginning of the year had been reached with three millions in the treasury. It was estimated that the income for the year, including the double duties on the unexpected influx of British goods, and those on the considerable amount of prize cargoes, might reach to twelve millions. The expenses were very economically calculated at thirty-six millions. Toward supplying the deficiency of

Feb. 8. twenty-four millions, the president was authorized to sell in the market, for what it would bring, sixteen millions of six per cent. stock; to keep outstanding the

Feb. 25. former amount of five millions of treasury notes, and to issue as many more, in aid of the new loan. Gallatin suggested the necessity of internal taxes, without which it was uncertain whether money could be borrowed at any rate, but that matter was referred to the consideration of the new Congress, a special act being passed for an early extra session.

The Report of the Committee on Foreign Relations,

based on the papers laid before Congress in reference to a suspension of hostilities, was much in the same spirit with Clay's speech. As the impressment question had been made a ground, among others, of a declaration of war, the omission to provide for it in a treaty of peace—such was the stand taken in this report—instead of leaving that question in its former position, would amount to an absolute relinquishment of the doctrine asserted by the United States; an idea at which the feelings of every American must revolt. To facilitate the arrangement of that question, the committee recommended the passage of an act, the same which Russell had proposed to Lord Castlereagh, prohibiting, after the close of the present war, the employment, in public or private vessels, of any persons except American citizens, or persons of color natives of the United States; but this prohibition to extend only to the subjects or citizens of such states as should make reciprocal regulations. An act to that effect, containing, also, certain restraints on the naturalization of foreign seamen amounting almost to a prohibition, was passed by the help of the Federalists, though not without a warm opposition from some of the war party, who denounced it as a humiliating concession.

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The manifesto of the British government, issued almost simultaneously with this report, reached America just before the end of the session. That government—so this document maintained—had acted in a spirit of amity, forbearance, and conciliation throughout all the controversy, resulting at length in a war, which they had diligently sought to avoid, if it could be done without sacrifices of rights, or humiliating submission to French pretensions. That war had been brought on, not by their fault, but by the partial conduct of the American government in overlooking the aggressions

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of France, and seeking to fix a quarrel on Great Britain for measures adopted only by way of retaliation. That original ground having been removed, the war was now continued on the questions of impressment and search —rights, the exercise of which the British government could not and would not relinquish, except upon the suggestion and provision by the United States of some effectual means for preventing American ships from becoming the refuge and lurking-places of British sailors anxious to escape their duty to their country. Though always ready to negotiate as to any such provision, the British government was not ready to concede, as a preliminary, the disuse of their undoubted right of pressing their own seamen on the high seas; and hence the continuance of the war.

As to other questions, the British government could never admit that a blockade, duly notified and maintained by an adequate force, could be considered illegal merely by reason of its extent, or because not seconded by a land investment; nor that the trade of neutrals with Great Britain could ever be constituted a crime exposing to denationalization and seizure; nor that Great Britain was to be debarred of the right of just and necessary retaliation, because such retaliation might incidentally affect the rights of neutrals. The reference, in the American declaration of war, to the affair of the Chesapeake, for which reparation had been tendered and accepted, was pronounced unwarrantable, as also that to the mission of Henry, a mission undertaken without the authority or knowledge of the British government, and which Mr. Foster had been authorized formally to disavow. The charge of exciting the Indians to war was pronounced to be totally without foundation.

Whatever other pretenses might be put forward,

the true causes of the war sufficiently appeared in the disposition of the American government to palliate, and even to second, the aggressive tyranny of France; in systematic efforts to inflame their people against the defensive measures of Great Britain; in their ungenerous conduct towards Spain, Great Britain's intimate ally; and in an unworthy desertion of the cause of neutrality. Against this complete subserviency to the ruler of France, this hostile temper evinced toward Great Britain in almost every line of the American dispatches, the Prince Regent entered his solemn protest. Contending, as he was, against France, in defense of the liberties, not of Great Britain only, but of the world, he had a right to look for a different result. Considering their common origin, common interests, and common principles of freedom and national independence, the United States were the last power in which Great Britain could have expected to find a willing instrument and abettor of French tyranny. This able document, well calculated for effect in America as well as at home, had been fully sustained in addresses to the throne, carried in both houses of Parliament with very little opposition.

The proceedings adopted by the British authorities against such natives of Great Britain as were taken serving in the American ranks tended not a little to enhance the bitterness of the pending hostilities. Twenty-three Irishmen, found among the prisoners made at Queenstown, had been sent to England to be tried for treason, and some of the sailors taken in the Nautilus, Wasp, and other captured vessels, had been treated in the same way, on the allegation that they were British subjects. For the defense of these adopted citizens, Congress passed an act, authorizing the president to retaliate upon British prisoners of war whatever treatment

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they might receive. It also authorized retaliation in case of outrages and barbarities practiced by the Indian allies of Great Britain—a provision which no doubt originated in the late disastrous slaughter at the River Raisin, resulting in the total failure of Harrison's intended winter campaign.

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1812. As preliminary to this second attempt by Harrison to march upon Detroit, orders had been given to Tupper's Ohio column to advance again, and to get a footing at the Rapids of the Maumee. The advance was made; but, owing to Tupper's total want of military skill, it resulted only in a speedy retreat, his attempts to cross at

Nov. 15. the Rapids being defeated by a small body of Canadians and Indians. A movement on the left flank by six hundred Ohio volunteers from Columbus, led by Colonel Williams, against the Miami villages on the Mississin-

Dec. 18. ewa, a tributary of the Wabash, was more successful. Four out of the five villages were destroyed, and some seventy Indians were killed and taken; but not without a loss, in killed and wounded, nearly as great, besides some two hundred disabled by frost or sickness.

The Virginia and Pennsylvania militia, ordered out as a part of Harrison's army, having at last reached Lower Sandusky, orders were sent to Winchester, commanding the Kentucky troops at Fort Defiance, to move down the Maumee and to occupy the Rapids, which Tupper, with the center column, had twice failed to

1813. master. After a march of eleven days, much obstruct-

Jan. 10. ed by snow, Winchester reached the Rapids, a few Indians flying before him. While busily employed there in building store-houses, and gathering corn from the Indian fields, successive messages arrived from Frenchtown, a small village on the River Raisin, about thirty miles in front, with entreaties for aid against a party of

800 British and Indians who had occupied the town, and who threatened to burn the houses, rob the barns, and to carry off the inhabitants. A council of war unanimously agreed, under the influence of this appeal, that aid should be sent—a dangerous movement, since Malden was within eighteen miles of Frenchtown, and separated from it only by the frozen surface of the lake. A detachment of 660 men, marching a great part of the way on the ice of the Maumee, reached Frenchtown the next day. A sudden attack drove the British and Indians out of the town; and a sharp action, in which the Americans had twelve killed and fifty-five wounded, out of the neighboring forest also. Upon news of this success, Winchester marched with 250 men, and, arriving at Frenchtown, assumed the command. His detachment encamped in the open fields; that which had arrived first had occupied the village, and was partly covered against musketry by the picketed garden fences. Just at daybreak, the morning after Winchester's arrival, the camp was suddenly attacked by a British column which Proctor had led from Malden, and which opened with grape-shot from several pieces of artillery, within three hundred yards' distance, followed by a general assault. Winchester's party in the open ground was soon broken, together with two companies sent from behind the pickets to aid him. The flying soldiers were pursued by the Indians; many were tomahawked, and most of the others were made prisoners, among them Winchester himself. Taken to Proctor, who had retired with severe loss from an assault on the pickets, Winchester was assured that the British artillery might easily set the village on fire, and so drive out the defenders—a method of attack which would expose not them only, but the inhabitants, also, to inevitable destruction,

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since, if they escaped the bombardment, it would be impossible to save them from the tomahawks of the Indians. Exhorted, as Hull had been, to save blood by instant surrender, Winchester yielded to these arguments, and though the troops behind the pickets were no longer bound by his orders, they agreed to submit, on condition of good treatment, security of private property, and the safe transportation of the prisoners to Malden, a guard to be furnished in the mean time to protect them from the Indians—terms to which Proctor finally assented, though not, at least such is the American account, without manifest reluctance and attempts at evasion.

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So soon as the articles were signed, Proctor, taking with him the prisoners able to walk, started on his return to Malden, where the captured Americans were penned up in a small and muddy wood-yard, exposed through the night to a constant rain, without tents or blankets, and with hardly fire enough to keep them from freezing. But the wounded prisoners left behind experienced a worse fate. Soon after sunrise, a band of Indians entered the village, and, after plundering several houses, broke into those where the wounded lay, with no guard except a single officer and a few interpreters. Captain Elliot—said to be a Marylander by birth, and a blood relation of Lieutenant Elliot, of the American navy—left in charge of the wounded British not far off, declined, if indeed he was able, to afford any protection. Some of the wounded men were stripped of their clothes and killed; and, finally, in revenge for their losses in the late battle, the Indians set fire to two houses in which the most dangerously wounded were collected, pushing back into the flames all those who attempted to escape. Such of the others as were able to move were

Jan. 23

presently taken off toward Malden, but, as often as any gave out, they were tomahawked by the Indians. Besides the 600 who remained prisoners in the hands of the British, there perished in the battle and subsequently nearly 300 men, including many whose position in society gave particular poignancy to their loss. The whole State of Kentucky was thrown into mourning. Indignation was roused to the highest pitch; Proctor and Elliot were loudly accused of having winked at, if not encouraged the massacre, in order to get rid of the care and trouble of the wounded.

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Harrison had first heard of Winchester's intended movement through the officer in command at Lower Sandusky, to whom Winchester had applied for an additional battalion to strengthen the camp on the Maumee. He hastened at once toward the front, and at Upper Sandusky heard of the advance of the first detachment, to supply whose place the battalion asked for by Winchester had already marched. He ordered all the remaining disposable force in the same direction, and pressed on to the Maumee with all the men he could muster to re-inforce Winchester. But the advancing column was soon met by fugitives from Frenchtown; and, fearful of being himself attacked, Harrison fell back to the Maumee, and indeed, for a while, behind the Portage River. All thoughts were now abandoned of advancing on Malden. The fortifying and maintaining the post at the Rapids, named Fort Meigs, after the governor of Ohio, became, for the present, the height of Harrison's hopes. Besides the late losses, and those still more extensive occasioned by sickness, the expiration of the term of service of the troops would soon leave his force at a very low ebb. Harrison, however, still retained his popularity at the West, and, along with Wilkinson, Hampton,

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and Morgan Lewis, he was soon raised, under the late act, to the rank of major general. The two remaining appointments of that rank were given, the one to William R. Davie, now of South Carolina, a general in Adams's provisional army, and afterward one of the commissioners to France, the other to Aaron Ogden, lately elected by the Federal Legislature governor of New Jersey, and whose ready co-operation, much to the disappointment of his Federal supporters, in war measures was thus speedily rewarded. But it was not among these old Revolutionary officers that any great military talent was to be found.

The zeal exhibited in Kentucky, though to little purpose, in volunteering to recover Detroit, had been rivaled in Tennessee, upon a call made for militia for the protection of New Orleans. Wilkinson, on taking command at that important post, had found there very little means or preparations for defense. The whole regular force, including all the garrisons at the various outposts, consisted of but 1600 men, badly armed and clothed, short of ammunition, and without means of transportation, except such as might be furnished by a flotilla of two armed brigs and ten gun-boats under the command of Commodore Shaw. The fortifications, unrepaired since the alarm occasioned by Burr, had gone quite to decay. Though receiving no encouragement from the War Department, Wilkinson took immediate measures to obtain a complete survey of all the approaches to the city, and for repairing the old fortifications; and, in consequence of his representations—British vessels having appeared off the Mississippi, and the Spanish governor of Pensacola making loud complaints of the invasion of East Florida, and threatening to retaliate—a call was made on Tennessee for militia to march to New Orleans. To

meet this call, volunteers to the number of 1500 foot and 400 horse assembled at Nashville, in the midst of snow-storms, the winter being one of the severest ever known there. The infantry, descending in boats to Natchez, led by General Andrew Jackson, who had vainly solicited a commission in the regular army, were joined there by the horse, who had marched by land through the Indian country, under the command of General Coffee. We shall have occasion presently to notice the curious termination of this expedition, not long after news of which Congress passed an act authorizing the occupation of Mobile and of all that part of Florida claimed under the Louisiana treaty, but still in possession of the Spaniards.

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The mortification of disasters by land was again relieved by new triumphs at sea. Hull, a cousin of the unfortunate General Hull, a brave officer and able seaman, but no enthusiast, content with his late exploits, stayed at home to be married. The command of the Constitution was given to Bainbridge, a real naval hero, who put to sea from Boston, attended by the Hornet, the Essex also sailing from the Delaware with orders to join him at one or other of certain designated ports of the South Pacific, in which seas Bainbridge intended to cruise. Having reached St. Salvador (Bahia), in the Brazils, the Hornet was left there, to blockade a British sloop-of-war having a large sum in specie on board. The Constitution, running along the coast to the southward, soon discovered a British frigate, the Java, bound to the East Indies, which, finding herself pursued, stood toward the Constitution. The action commenced when the vessels were still a mile apart, and was kept up with great spirit, both vessels maneuvering with a light breeze to gain the advantage of position. When at length they came to close quarters, the Java, in attempting to close

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1813. and board, ran her jib-boom into the mizzen rigging of the Constitution, in which position she suffered very severely, losing her foremast and bowsprit; but having at length disengaged herself, the fight went on yard-arm to yard-arm. The Java's main top-mast and main yard had previously been shot away, and presently her foremast fell. The enemy's fire being silenced, the Constitution drew off to repair her rigging, which had been considerably cut up, though without the loss of a single spar. The Java's main-mast fell soon after, leaving her without a stick standing; but a flag was still kept flying, till Bainbridge, having repaired his damages, stood across her bows to gain a raking position, when his fire was anticipated by the striking of her flag. She was of the same size with the Guerriere and Macedonian, with some five or six less guns than the Constitution, and long eighteens on her gun-deck to match the Constitution's twenty-fours; but in number of men she was not inferior, having many supernumeraries on board. Of her crew, 22 were killed and upward of a hundred wounded, her commander mortally. In the Constitution, nine were killed and 25 wounded, Bainbridge himself among the latter. The Java's hull was not materially injured, but at that distance from home, and with no friendly port in which to refit, the experiment of taking her in would have been too hazardous. She was, therefore, set on fire. After paroling and landing his prisoners, including a lieutenant general on his way to India, finding the Constitution in want of repairs, and one of her masts damaged in the action, Bainbridge gave over his

Feb. 27. intended cruise, and made the best of his way for Boston, where he arrived just before the end of the session of Congress. Porter in the Essex, having failed to find the Constitution at any of the appointed rendez-

vous, and having put himself in funds by taking $55,000 from a British packet, made sail for Cape Horn, resolved to try his fortune in the Pacific—an adventurous cruise, to be presently narrated. The Hornet continued blockading the treasure ship at Bahia till she was driven off by a ship of the line sent from Rio on that errand. Running then with the wind and the current along the northeast coast of South America, and past the mouth of the Amazons, and the settlements of Cayenne, Surinam, Berbice, and Demerara, all then in the hands of the English, as she approached the mouth of the Demerara River, she encountered, in those muddy and shallow waters, the Peacock brig of war, armed with twenty guns, as the Hornet was, but inferior in metal, her guns being mostly twenty-four pound carronades, while the Hornet's were thirty-twos. The vessels passed each other, their heads close to the wind, in a very rough sea, delivering their broadsides, when the Hornet gaining the weather-gauge, closed, and poured in so effective a fire that the enemy soon struck, hoisting also a signal of distress, immediately after which his mainmast fell. The prize had already six feet of water in the hold, and before all the prisoners could be removed, she suddenly sank, carrying down nine of her own men and three of the Hornet's. The Peacock had four killed and thirty wounded; the Hornet, one killed and four wounded. Being overburdened with prisoners and short of water, Lawrence ran for home, arriving safe at Martha's Vineyard, and thence, by the Sound, proceeding to New York. The Chesapeake, which had sailed, meanwhile, from Boston on her first cruise, in her unsuccessful circuit through the Atlantic, passed the mouth of the Demerara River the very day after the action between the Hornet and Peacock.

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A proposal early in the session to pay the captors of the Guerriere $100,000 by way of prize money had failed; congress had contented itself with voting a sword to Elliot, and medals to Hull, Decatur, and Jones, who received, also, many compliments from states and cities. But on the news of the capture of the Java, resolutions were carried giving $50,000 as prize money for that frigate, as much more for the Guerriere, and half as much to the captors of the Frolic. The Macedonian was taken into the service at an appraisement of $200,000, half of which went to the captors. An act had

Jan. 2. already passed for building four seventy-fours and six first-class frigates. Some objection had been made to the seventy-fours, as less suited for immediate use, but they had been insisted upon, and carried by a majority of six in the House, as a pledge for a permanent navy.

March 3. A subsequent act authorized the building of six sloops of war, and of as many ships on the lakes as the president might direct. Another act promised to any who, by torpedoes or other like contrivances, should burn, sink, or destroy any British armed vessels, half their value in money. Such was the effect of the successful sea-fights, that in Pennsylvania and South Carolina, late violent anti-naval states, propositions were made, and carried through one branch of the Legislature, for building ships of war, to be presented to the Union. In Virginia, also, till of late, violently anti-naval, the same thing was attempted by private subscription. But these projects failed. Virginia and South Carolina found it quite enough to provide for their own defense, while the advances of Pennsylvania took another form.

March 4. Madison's inaugural address, on entering his so dearly purchased second term of office, began with a studied eulogium upon that war into which he had been forced

so much against his own better judgment. In default of battles to celebrate, he charged upon the enemy barbarous violations of the usages of civilized warfare: in making prisoners of persons not soldiers; in threatening to punish, as traitors and deserters, naturalized citizens of the United States taken in the service of their adopted country; in letting loose savages armed with the hatchet to glut their brutal thirst with the blood of the vanquished; in attempting, by insidious means, to disorganize our political system, and to dismember our confederated republic. Since Britain had refused the most reasonable terms of peace, nothing now remained but to fight it out; for which we had abundant means in our numbers, and spirit, and general prosperity, and especially in the accumulation of specie in consequence of the non-intercourse. The gallant exploits of our naval heroes were encouraging, while some presaging flashes of heroic enterprise on land were sufficient to show that nothing was wanting but discipline and tactics, in which we were making daily progress.

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While thus seeking to inspire an enthusiasm for the war which he himself hardly felt, Madison, anxious as ever for peace, eagerly caught at an offer by Daschoff, the Russian embassador, of a mediation on the part of Russia, which, since the French invasion, had come to a good understanding with Great Britain—an idea which, on being suggested to Adams at St. Petersburg, had been encouraged by him. Without waiting to hear how this offer might be received by the other party, Madison immediately nominated as ministers, to act jointly with Adams in negotiating a peace, Gallatin, very willing to escape from the financial troubles fast approaching, and Bayard, of the Senate, both peace men. But while the government was thus snatching at Russian mediation, a

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dinner, got up at Boston to celebrate the triumph of the Russians over Bonaparte, of which full accounts had at length arrived, encountered the severe animadversion of their newspaper organ at Washington. Simultaneous with the institution of this mission for peace, Crawford, the Georgia senator, also a peace man, was appointed to succeed Barlow at the French court. To avoid the risk

May 9.

of capture, Bayard and Gallatin, who sailed in a private ship, obtained a cartel from the British Admiral, granted at the Russian embassador's request. In the instructions which they carried, impressments and illegal blockades were stated to be the chief causes of the war. The arrangement of the impressment question substantially on the basis already offered through Russell was made indispensable. "If this encroachment," said these instructions, "is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiation will cease, and you will return home without delay."

Though the energies of Great Britain were chiefly engaged in preparations for the great approaching struggle with Bonaparte, America was not wholly overlooked. The blockade, more or less strict, which had been all along maintained of New York, the Delaware, and the Chesapeake, was now undertaken in a more regular manner. Early in the year several vessels of force had entered the Chesapeake, and, by taking possession of Hampton Roads, had shut up at Norfolk the frigate Constellation, lately fitted for sea. The Legislature of Vir-

Feb.

ginia, startled by rumors of slave insurrections, passed an act for raising, for state purposes, an army of a thou-

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sand men. Orders were presently issued from the Treasury Department to extinguish all the lights in Chesapeake Bay. About the same time British cruisers reappeared off the harbor of New York. The port of

Charleston was put under a strict blockade. The ascent up the Delaware of several British ships threw the coasts of that bay into great alarm, aggravated, soon after, by the bombardment of Lewistown, a little village at its entrance, because the inhabitants had refused to furnish fresh provisions. Some of the British ships in the Chesapeake, ascending to its head, landed parties, which attacked, set fire to, and plundered the villages of Frenchtown and Havre de Grace, which, in consequence of the blockade of the coast, had become depôts of an internal trade between Baltimore and Philadelphia. Georgetown and Fredericton, two little villages at the head of Sassafras River, an eastern branch of the Chesapeake, soon experienced a similar fate. Philadelphia, Baltimore, and Annapolis began to provide fortifications at their own expense, for which purpose the authorities of Baltimore authorized a loan of half a million. The militia were ordered out in large numbers by the governors of Delaware, Maryland, and Virginia. The coasting and bay trade was completely stopped, and the inhabitants near the shore were subjected to constant annoyances and plunder by parties landing for fresh provisions. The name of Vice-admiral Cockburn, who commanded in the Chesapeake, soon became a proverb. Loud were the complaints against this marauding sort of warfare, as contrary to modern and civilized usages. Some British frigates occasionally appeared off Boston, but they did not prevent the President and Congress from getting to sea on their third cruise. The Constitution still remained there undergoing repairs, and also the Chesapeake, lately returned from her first voyage. Though the blockade did not extend to the coast north of Cape Cod, its effects were very severely felt in the stoppage of the Southern coasting trade, in consequence

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April 29. May 3.

May 1

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of which flour rose at Boston to eighteen dollars the barrel.

1813. The Virginia act for a state army gave great offense to the president and his cabinet, as interfering with their right to conduct the war, and as countenancing the similar step in Connecticut. The authorities of Virginia also took fright at the expense, and at a special session

May 17. of the Legislature the act was repealed, not, however, without a promise from the War Department to maintain a regiment of regulars at Norfolk, and to pay all the Virginia troops heretofore called out for local defense —notwithstanding a rule adopted at Washington, and enforced as to other states, to pay no militia not called for by the general government itself. The Federal House of Assembly of Maryland, called together in special session, complained bitterly that their militia simultaneously called out, were left to be paid by themselves. They voted money for that purpose, and a loan of $300,000 for erecting fortifications, but they declined to provide for the money borrowed by the Democratic corporation of Baltimore by authorizing a levy on the citizens of a tax for its payment.

March. April. May.

The peace party of New England, in the spring elections, not only held their own, but exhibited a decided gain. Strong was rechosen governor of Massachusetts by a majority over Varnum of 13,000 votes in a total of 101,000; and both branches of the Legislature now passed, by large majorities, into the hands of the Federalists, who triumphed also, though less decidedly, in New Hampshire, John Taylor Gilman replacing Plumer as governor. In Connecticut, John Cotton Smith succeeded the deceased Griswold. The Democratic party in that state, as well as in Rhode Island, was reduced to a low ebb. The election for censors in Vermont, under a peculiar constitutional provision of that state, showed

also a Federal majority, though the state government, as well as the delegation in Congress, chosen the preceding autumn by a very close vote, was still Democratic. In New York the war party was more successful. Much to the disappointment of the Federalists, who had looked for a triumph, the two sections of the Democrats again uniting, re-elected Tompkins over Van Rensselaer by a majority of 3500, out of 83,000 votes. The Federalists still retained the House, but with a diminished majority, the Senate remaining, as before, in the hands of the Democrats.

The Legislature of Pennsylvania, composed almost entirely of war Democrats, signalized their zeal by voting March 12
extra pay to the Pennsylvania militia in service, and by an offer to lend the United States a million of dollars, probably intended as an offset to the efforts of the more ultra Federalists to prevent subscriptions to the loan. Pickering especially, in a series of newspaper articles, had taken the ground, warmly supported by Hanson in his Federal Republican, that to lend money to the government would be to co-operate in prolonging an unnecessary and ruinous war. It was, indeed, only after three trials that the loan was finally taken at 88 per cent., the larger half being subscribed, as the Federalists noticed, by three naturalized foreigners, Astor, of New York, and Parish and Girard, of Philadelphia, the latter of whom having purchased the banking house of the late Bank of the United States, had set up a private bank at Philadelphia. The defeat of the late Bank of the United States in its attempts to obtain a Pennsylvania charter had been followed by a project for establishing twenty-five local banks in different parts of that state, but an act to that effect was defeated, for the moment, by the March 18
veto of Governor Snyder.

Shortly after the adjournment of Congress, commis-

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sions were issued to eight new brigadiers, including Cushing, Thomas Parker, Izard, and Pike, of the old army, William H. Winder, (a Baltimore lawyer, who had

March 12. served as a colonel during the last campaign on the Niagara frontier, one of the few Federalists who had received or accepted commissions,) Duncan M'Arthur and Lewis Cass, (colonels of Ohio volunteers, captured with Hull at Detroit, and lately exchanged, as well as Hull, for some of the British officers taken at sea,) and Benjamin Howard, successor to Merriwether Lewis, the explorer of Upper Louisiana, as governor of the Missouri Territory, in which office he was now succeeded by William Clarke, the companion of Lewis. Robert Swartwout, of New York, appointed quarter-master as successor to Morgan Lewis, had also the rank of brigadier.

March 19. About the same time Armstrong promulgated an order, dividing the whole of the United States into nine military districts; Massachusetts (with Maine) and New Hampshire to constitute the first; Rhode Island and Connecticut, the second; New York, below the Highlands, and New Jersey, the third; Pennsylvania and Delaware, the fourth; Maryland and Virginia, the fifth; Georgia, the sixth; and Louisiana, the seventh; the rest of the states and territories being divided between the eighth and ninth, the one embracing the seat of war at the west end of Lake Erie, the other the Niagara frontier, Lake Ontario, the St. Lawrence, and Lake Champlain. This arrangement, borrowed from the war of the Revolution, had two advantages: that of furnishing commands adapted to antiquated officers of little enterprise or genius, of whom there was a large proportion in the service, and who might be thus quietly withdrawn from the field; and that of securing the presence in each district of a regular officer of equal rank with any militia officers who might be ordered out, and so, under the articles of

war, entitled to command, though having, in fact, scarce a corporal's guard of regular soldiers. The number of regulars assigned to the first five districts was together less than 2500 men, while strict orders were issued to receive no militia major general into the service of the United States unless at the head of 4000 men, or brigadier general without half as many. Each district, besides its commissary general, was to have an adjutant, a quarter-master, and an inspector of its own. The unlucky Smythe, by this sideway abolition of his office of inspector general, was quietly dropped out of the army, a treatment of which he bitterly complained, appealing in vain to Congress for redress. Duane, of the Aurora, appointed adjutant general of the fourth military district, obtained a new military berth which did not require his absence from Philadelphia.

Resolved to dispense, as far as possible, with the services of militia, as at once inefficient and very expensive, Armstrong, while thus reorganizing the army, sent orders to Jackson to disband the Tennessee volunteers who had followed him to Natchez, and to deliver over all the stores and other public property to General Wilkinson, to whom orders were simultaneously sent to take possession of the fort of Mobile, hitherto in the hands of the Spaniards. Near two hundred of Jackson's volunteers were sick, very few had the means to return home at their own expense, and he suspected that this order to disband them at Natchez had been issued with the secret design of promoting enlistments into Wilkinson's army, whose recruiting officers were already in his camp. With characteristic fearlessness and disregard of any other rule of conduct than his own estimate of right and propriety, considering himself responsible to the volunteers, who had followed him so far, for their safe return to their homes and families, he positively re-

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fused to obey the orders sent to him. In spite of the warnings of Wilkinson, whose recruiting officers he drove away, of the hesitation of his own officers, and the attempts of his quarter-master to counterwork him, he provided wagons for his sick, and marched his troops

April 17. four hundred and sixty miles back to Nashville, disbanding them where they had been originally mustered. In a Federalist governor or other officer, disobedience like this would have been denounced as little better than treason. But the Democracy of Jackson was undoubted; his services, soon after, in the Creek war, made him formidable; and the government thought it best to say nothing of his disobedience, but silently to pay the expense incurred by it.

April 15. Wilkinson got possession of the fort at Mobile without bloodshed. It had a garrison of only a hundred and fifty combatants, and was wholly dependent for provisions on the town, which had been for some time in possession of the Americans. While the territory as far as the Perdido, claimed under the Louisiana treaty, thus finally passed into the hands of the United States, East Florida

May 16. was at length evacuated, and Amelia Island, since the insurrection stimulated by Matthews occupied by American troops, was given back again to the Spaniards.

By the time that the ice had disappeared from Lake Erie, Harrison, in consequence of the expiration of the terms of service of his soldiers, had with him, at Fort Meigs, only a few regulars, and a part of the Pennsylvania quota of militia, induced to continue in service by twelve dollars a month additional pay, promised by the Pennsylvania Legislature. In this state of weakness Fort

April 28. Meigs was invested by the British and Indians from Malden, who erected batteries on both sides of the river. Efforts had been made, both in Ohio and Kentucky, to

raise volunteers for Harrison's relief, by the offer of extra pay by the Legislatures of those states, and a messenger presently arrived with information that General Green Clay, having descended the Maumee in boats, was just above the Rapids with 1200 Kentucky volunteers. Harrison sent directions to Clay to land six or eight hundred of his men on the north bank, to surprise the British batteries, spike the guns, and destroy the carriages, and then to re-embark and hasten to the fort, whence a simultaneous sortie was to be made against the enemy's batteries on the south side of the river. Eight hundred of Clay's men, who landed under these orders, surprised and carried the batteries; but, instead of disabling the guns, and then hastening to retire, they engaged in a bush fight with a few Indians. The advance of Proctor from his camp, distant a mile and a half from the battery, could be plainly seen from the fort, and every effort was made, but in vain, to warn the thoughtless and infatuated Kentuckians of their danger, who, in their turn, were completely surprised, and made prisoners, except about a hundred and fifty, who escaped across the river. Meanwhile the sortie from the fort destroyed the battery on the south bank, and Proctor, fearing the arrival of new succors, after vainly attempting to frighten Harrison into a surrender, judged it prudent to retire to Malden. Leaving Clay in command at Fort Meigs, Harrison hastened into the rear to organize a new army, for as yet the troops assigned to his military district existed only on paper or in the shape of a few scattered squads of new recruits. The whole western frontier was very weak. The powerful tribe of the Osages, west of the Mississippi, hitherto quiet, threatened now to join in the war. Fort Madison had been besieged, and presently, as well as Fort Mason, it was evacuated, leaving Fort Howard,

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forty miles above St. Louis, the advanced northern post on the Mississippi.

1813. The principal regular force available at the opening of the spring for offensive operations consisted of the two brigades, amounting to only 2500 effective men, in winter quarters on Lake Champlain. They might be increased to 4000; but Armstrong did not judge even that force sufficient to proceed against Montreal. He proposed instead to attack successively Kingston, York, and Fort George, at the mouth of the Niagara River, thus cutting off the communication between Montreal and Upper Canada. But as the enemy had a sloop-of-war building at York, another fitting out there, and a third repairing, Dearborn and Chauncey were of opinion that the surest way to secure a naval superiority would be first to attack that place; and this change of plan was sanctioned by the president.

Chauncey's fleet consisted of the new sloop-of-war Madison, of 24 guns, with the Oneida, and eleven armed
April 22. schooners. As soon as the navigation opened, he sailed for York, having on board 1600 picked men, all that the
April 27. fleet could carry. Five days after, a landing was effected, Lieutenant Colonel Scott leading the van. York, though the capital of Upper Canada, the head-quarters of General Sheafe, and a naval station, was defended only by a few earthen redoubts, with a garrison of 800 men, half regulars and half imbodied militia. Pike at once led the troops to the assault; the enemy fled, but the explosion of a magazine killed or wounded 200 of the assailants, Pike himself being one of the killed. In the disorder that ensued, Sheafe and his troops effected their escape, first setting fire to a sloop-of-war on the stocks, and to a magazine of naval and military stores. The town having capitulated, another magazine fell into the hands of the captor, the contents of which were sent to

Sackett's Harbor. The ship undergoing repairs was burned; the third vessel, the most valuable of the whole, had sailed for Kingston a few days before. Among the trophies brought off and forwarded by Chauncey to the War Department were the Speaker's mace, taken from the Parliament House, over which a human scalp was said to have been suspended. The building itself, perhaps from indignation at this circumstance, was set on fire and burned.

The troops speedily re-embarked to proceed to Fort Niagara, but, owing to the bad weather, were kept a week on the lake. Losses and sickness had already reduced them to 1000 men. Re-enforcements, however, were soon brought up from Sackett's Harbor and Oswego, and others marched from Buffalo, increasing the army to near 6000. Under the fire of the ships, a landing was presently made on the British side of the strait, the light troops, under Scott and Forsyth, leading the way. Fort George being untenable, General Vincent, the British commander, blew up his magazines, and by a timely retreat, which no arrangement had been made to intercept, escaped in the direction of Burlington Heights, a strong piece of ground toward the western extremity of the lake. The fall of Fort George caused the evacuation of all the British ports on the Niagara River, Fort Erie among the rest. Oliver H. Perry, a young naval lieutenant, who had volunteered for the lake service, had been appointed by Chauncey to the command on Lake Erie, and already, at the town of Erie, otherwise known as Presque Isle, he had two brigs on the stocks. To this embryo navy he was now enabled to add the captured Caledonia, and the schooners purchased by Elliot, hitherto shut up at Black Rock—the sole advantage, as it proved in the end, derived from Dearborn's expedition.

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So stood affairs when the thirteenth Congress came

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together for its called session. The number of members in the House had been increased by the new apportionment to 182. New York had outshot all her sisters; and, as her delegation were mostly Federalists, the relative strength of the peace party had decidedly increased. They counted 68 members to 112 for war. At the head of the Pennsylvania delegation stood the now aged Findley, Smilie having died during the late session. This state had but one Federal member,—and he presently resigned, and was succeeded by a Democrat,—a preponderancy to the war side which caused the members north of the Potomac to be equally divided. From the Southern and Western states there were but nine peace men—six from Virginia, and three from North Carolina—to seventy-five who supported the war, but some of them, like Macon, only because it had been declared. John Randolph did not reappear in this Congress, having been defeated by Eppes, Jefferson's son-in-law. The old Jeffersonian school of pacific and state rights democracy having dwindled to nothing, the leadership of the House had passed into the hands of Cheves, Lowndes, Calhoun, Grundy, Troup, and Clay, all young men of the new school of fighting and ultra-Federal democracy. Clay was re-elected speaker by 89 votes to 54 for Pitkin, the Federalist candidate. Among the new Democratic members afterward distinguished were John Forsyth, of Georgia, John M'Lean, of Ohio, and John W. Taylor, of New York. The city of Philadelphia was represented by a son of the late peace candidate for the vice-presidency, Charles J. Ingersoll, whose history of the war, though not written till more than thirty years after, affords, amid many shrewd observations and striking portraits, a perfect, however unconscious reflection, of the violent prejudices, limited knowledge, absurd ex-

pectations, incoherent reasonings, and general confusion of ideas prevalent among the war members. The Federal side of the House was stronger and abler than it had been for many sessions. Quincy, having declined a re-election, his place had been filled by Artemas Ward, son of the Revolutionary general of that name, like his father, sensible, but not brilliant nor distinguished. But Quincy's place on the extreme Federal wing was well supplied by the now aged Pickering, elected from the late Democratic Salem district. Egbert Benson, of New York, an old Federal cotemporary of Pickering's, was also among the new members; also Daniel Webster, of New Hampshire, Cyrus King, of Massachusetts, a half brother of Rufus King's, Thomas P. Grosvenor, of New York, who soon proved himself the readiest debater in the House, and William Gaston, of North Carolina.

The Senate stood, nominally, twenty-seven Democrats to nine Federalists, but Giles, Leib, and Smith, former distinguished Republican leaders, were disaffected toward the administration, and with German, of New York, Stone, of North Carolina, and two or three others, often joined with the Federalists to thwart executive measures. Among the new Federal members were Jeremiah Mason, of New Hampshire, in place of Cutts, Madison's brother-in-law; Christopher Gore, of Massachusetts, in place of Lloyd; David Dagget, of Connecticut, in place of Goodrich; and Rufus King, of New York, elected, notwithstanding a small Democratic majority on joint ballot, in consequence of the want of cohesion between the Clintonians and the Tammany men. Pope, of Kentucky, who had opposed the war, had been superseded in consequence; also Bradley, of Vermont. Campbell, of Tennessee, led the administration section

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of the Senate, composed of the obscurest and least able portion of that body.

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The great zeal exhibited by the democracy of the old school in behalf of reporters and the publicity of debates, had disappeared with the coming in of the new ultra-Federal Democracy. The reporter for the Federal Republican—the paper twice mobbed at Baltimore, and driven away, as we have seen, with horrible barbarities, but re-established at Georgetown—represented, in a petition to the House, that Mr. Speaker Clay had refused to assign him a seat on the floor, to which Clay replied that but four seats were provided for reporters, which he thought quite enough, all of which had been previously taken up. In spite of the entreaties of the Federalists, and even of Eppes and Macon, who called to mind the course of the old Republican party, the new-fangled Democrats, after a two days' debate, voted down a resolution to provide additional seats. Calhoun reprobated, in strong terms, the admission of reporters to the floor, where they might overhear and spread abroad the conversation of members. Even Macon thought they should be strictly confined to their boxes, and, if found mingling with the members, should be turned out. The matter ended in the expulsion of all the reporters from

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the floor, provision for all who desired it being made in the gallery, where it was almost impossible to hear.

Among the first things that came before the Senate were the new diplomatic appointments. Before acting on Gallatin's nomination, the Senate desired to know whether he still remained Secretary of the Treasury.

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The answer was that he did; and that the duties of the office were temporarily discharged by the Secretary of the Navy, under an act of 1792, allowing such temporary substitutions. The indisposition, exhibited on more

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than one occasion, to admit any new members into the cabinet, grew perhaps out of the recollection of the former dissensions between Smith and Gallatin. However that might be, the Senate resolved that a diplomatic appointment was inconsistent with the headship of a department; and they referred to the former clamor, especially on the part of Monroe, against the sending of Jay as minister of England while he held the post of chief justice. A committee was appointed to confer on the subject with the president; but he refused to receive them in any official character, and, as he made no new nomination for the Treasury Department, the Senate, 18 to 17, rejected Gallatin as commissioner for peace. The same fate overtook Jonathan Russell, nominated as minister to Sweden, the president having declined as to this matter also a conference with a committee of the Senate—a rejection afterward justified by Giles on the ground that the only object of the mission was to solicit Sweden to join Russia in begging Great Britain to consent to treat with us.

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The great object of the session was the re-enforcing the revenue by new taxes. There had been, on the 1st of April, about two millions in the treasury, including one million already received on the new loan. The accruing ordinary revenue of the year was estimated at nine millions, which, with the rest of the loan, and five millions of treasury notes, might, it was thought, enable the government to reach the end of December; but, unless some new taxes were now imposed, the revenue for 1814 would be insufficient to cover the ordinary expenses and the increased interest on the public debt. Eppes, chairman of the Committee of Ways and Means, brought in a bill, which, as finally passed, imposed a direct tax of three millions, to be levied on lands, houses, and

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slaves, according to their assessed value, the states being divided into collection districts, with a collector and assessors for each. On distilled spirits a tax was imposed in the shape of license money, to be paid by the distillers according to the capacity of their stills, and a similar license tax, varying from ten to twenty-five dollars, upon all retailers of spirits, wines, and foreign merchandise. To these taxes were added a duty of four cents on each pound of domestic refined sugar, of twenty cents on each half hundred weight of salt, of from two to twenty dollars on carriages, and one per cent. on sales at auction, with a stamp duty of one per cent. on all bank notes, and one and a half per cent. on inland bills of exchange, and on all notes discounted by any bank. These duties, the collection of which, as well as that of the land tax, was only to commence with the next year, were expected to produce two millions, making with the land tax five millions—not more than enough to make up the deficiency in the ordinary expenses and interest, and leaving all the extraordinary war expenses still to be raised by loan. Even for the present year a new loan of seven and a half millions was authorized, which finally was taken up at 88 per cent., the same rate as the former one.

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Privateering was encouraged by the promise of a bounty of $25 for each prisoner taken, by a deduction of one-third the duty on prize goods, and by permission, notwithstanding the Non-importation Act, to enter captured British goods. The use of British licenses was subjected to new and heavy pecuniary penalties; but a general embargo, though very warmly urged by the president, and agreed to in the House, was defeated by the Senate. The president was authorized to build barges for harbor defense, for which a quarter of a mill-

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ion was appropriated, and as much more for hulks to be sunk with the same view. The raising of ten companies of sea fencibles was also authorized.

The news, meanwhile, whether from the frontier or the coast, was by no means agreeable. In consequence of the re-enforcements sent to Dearborn, Sackett's Harbor, with its dock-yards, magazines, and a new frigate on the stocks, had been left with a garrison of only 400 regulars, commanded by Lieutenant Colonel Backus, of the dragoons. Prevost, though very weak, was able to muster an attacking force of 700 men, and, taking advantage of Chauncey's absence in attendance on Dearborn, he ran across from Kingston, and appeared off Sackett's Harbor. General Brown, of the New York militia, residing in that vicinity, and already distinguished by the defense of Ogdensburg, came in at the moment of alarm with a body of volunteers, and, at the request of Backus, assumed the command. Thoroughly acquainted with the ground, and having a military eye, he stationed his men advantageously, but, owing to a sudden panic among the volunteers, whose commander, Colonel Mills, was killed in attempting to stop them, the enemy effected a landing without loss. The regulars, however, behaved well, and, after a severe action, in which Backus was mortally wounded, the assailants were driven back to their ships, the loss on either side amounting to about 150. But, though repulsed, a part of their object was accomplished in the destruction of the barracks, and of a magazine containing all the stores captured at York, and many more, set on fire in a moment of alarm at the enemy's first success. Brown, for his conduct on this occasion, was made a brigadier of the regular army—a rank conferred also on Leonard Covington, of Maryland, colonel of light dragoons, on

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Robert V. Taylor, of the Virginia militia, in command at Norfolk, and on Williams, of South Carolina, chairman in the last Congress of the Military Committee.

Declining any further attendance on Dearborn, or the conveyance of his army to the head of the lake, as he requested, Chauncey had hastened back to Sackett's Harbor, before having heard of the attack upon it, considering it to be his chief business to meet and fight the enemy's fleet. But that fleet, re-enforced by a new frigate, built and equipped at Kingston, and with a new commander in the person of Sir James Yeo, late of the shipwrecked Southampton, was now so strong that Chauncey was obliged to remain in port, awaiting the completion of his frigate, the Pike, the equipment of which was much delayed, as well by the late destruction of naval stores as by the want of men.

No longer supported by Chauncey, and reduced to the necessity of moving by land, Dearborn, instead of

June 1. marching with his whole army, sent forward Winder with a single brigade. Winder, finding Vincent strongly encamped in his front, sent back for assistance. Chandler then marched with his brigade, and, on joining Winder, assumed the command. Intending to fight the next morning, he encamped in very loose order at Stony Creek, about eight miles from Vincent, who anticipated

June 6 him by a night attack, in which the Americans were completely surprised. A British column penetrated their camp, and got possession of five pieces of artillery. Chandler and Winder, riding up, were made prisoners But Vincent lost his way in the darkness, and got separated from his troops, who, thinking that he too might have been taken, and Towson's artillery, more in the rear, beginning to open, made good their retreat, carrying off the five pieces, the two generals, and about a

hundred prisoners, and leaving, including dead and wounded, about as many in the American camp. The American loss was inconsiderable in point of number, and the attack on the British might have been made with as much chance of success as before. But Colonel Burn, of the dragoons, who succeeded to the command, declared that he knew nothing of infantry tactics, and he fell back ten miles to wait orders. Dearborn then sent up Major General Lewis, with the sixth regiment, and directions for instant action; but a further delay took place in consequence of a cannonade opened on Dearborn's camp by the British fleet, now in full command of the lake, and the detachment was presently recalled from apprehension of an attack on Fort George, though Yeo intended nothing beyond intercepting Dearborn's supplies.

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While the American army thus lay inactive, encumbered with sick, deficient in officers, and without means of transportation, the British fleet, riding triumphant, appeared off Oswego, off Sodus Bay, where some houses were burned, and off the mouth of the Genesee, threatening descents, which occasionally were made, and keeping the whole coast in alarm. Nor were the British idle by land. Colonel Bishop, with a picked body of light troops, began to encircle Dearborn's camp with a line of posts. Finding Fort Erie without any garrison, he took possession of it, and, crossing over to Black Rock with 250 men, dispersed a guard of militia, and destroyed a deposit of cannon and provisions. Here, however, he was vigorously attacked by a party of regulars, militia, and Indians from Buffalo, and, having himself fallen, his men were driven to make a hasty retreat. The Indians employed on this occasion belonged to the bands of the Six Nations resident in New York, who had

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been induced to declare war against Great Britain, and to organize themselves for military services under the command of General Porter. As the British persisted in employing the Indians, it had seemed a piece of gratuitous squeamishness to decline their employment on the American side.

Dearborn had all along complained of ill health, never himself appearing on the field, and obliged at times to give up the command to General Morgan Lewis. The enemy closing in upon him, and, as it were, blockading Fort George, he at last sent 600 men, under Colonel Boerstler, to attack a British post about fifteen miles distant; but this detachment having entered a difficult pass at a place called the Beaver Dams, was surrounded by a superior force, and compelled to surrender.

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The news of this last disaster produced such an effect at Washington, that Clay and Ingersoll were deputed by the war members to wait on the president for the purpose of requesting Dearborn's recall. The application was made through Monroe, and acceded to. Wilkinson and Hampton, the latter recently in command at Norfolk, had been already ordered to the northern frontier. Lewis was sent to Sackett's Harbor, and the army at Fort George, pending the arrival of Wilkinson, remained idle under Boyd, who had strict orders, notwithstanding the inferiority of the British force, which held him in a sort of blockade, to attempt nothing till the naval command of the lake had been secured.

The occurrences in the interval along the coast were not more consoling. The commander of the Chesapeake frigate being disabled by sickness, she had been given to Lawrence, made a captain in reward for his late successful cruise in the Hornet. The Shannon and Tenedos, two British frigates, had occasionally appeared off Bos-

ton harbor by way of challenge, as it was intimated, to the President and Congress. Those vessels having gone to sea, the Shannon, when the Chesapeake was about ready, reappeared off Boston alone. Broke, her commander, had sent a letter to Lawrence, proposing to meet him in any latitude and longitude that he might name. But that letter had not reached him, and taking the appearance of the Shannon as a challenge to immediate action, Lawrence hastened to a fatal encounter. Some discontent existed among his crew, composed to a large extent of foreign mercenaries, as to the unpaid prize money of the last cruise; nor, indeed, are sailors just at leaving port ever likely to be in the best condition—a circumstance which Broke had taken into account in the terms of his letter. The ship, besides, was short of officers. Her first lieutenant was sick on shore, and the posts of two others were filled by midshipmen. Lawrence, however, did not hesitate. Shortly after the Shannon's appearance, the Chesapeake, then lying in the outer harbor of Boston, lifted her anchors, and about noon both vessels made sail for an offing, the hills and housetops along the coast covered with anxious spectators. About five in the afternoon, Lawrence ran his ship alongside the Shannon, which had hove to some thirty miles from Boston light, and a furious action began. In a very short time, from some accident to the Chesapeake's sails, she fell foul of the Shannon, and became exposed to a raking fire. Lawrence, already wounded, ordered the boarders to be called; but the bugleman, whose business it was to give the signal, being missing, the order had to be passed by word. Meanwhile Lawrence fell, again wounded, and now mortally. The Chesapeake's men had begun to flinch from their guns, when Broke, observing that her fire slackened, himself

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gave orders to board. The British entered at first very cautiously, but, finding the upper deck in confusion, and encountering very little resistance, the American boarders not having yet mustered, and the first lieutenant having gone below with Lawrence, they drove the few men on the upper deck down the hatches, which had been taken off to send Lawrence below, and in a very short time had possession of the ship, of which the flag was pulled down by the captors, who at once made sail for Halifax In this short action of less than fifteen minutes the slaughter had been dreadful; the Chesapeake had forty-eight killed and ninety-eight wounded, the Shannon, twenty-three killed and fifty-six wounded. Captain Lawrence, who died five days after, was buried at Halifax with military honors.

Soon after this first naval defeat, which made a deep impression on the public mind, exalted by so many previous victories, and which was celebrated in England with extravagant rejoicings, the United States, Macedonian, and Hornet, in attempting to get to sea from New

May 11. York, through Long Island Sound, were intercepted by a British squadron and obliged to take refuge in the harbor of New London. Militia were called out to defend them, and the neighborhood was kept in constant alarm; for the British ships, though not attempting an attack, remained in the offing, and baffled all the efforts of Decatur to get to sea with his squadron. Block Island was taken possession of as a station for water and for obtaining supplies from the neigboring shore

May 27. Already a formal blockade had been proclaimed of New York, the Delaware, the Chesapeake, Charleston, Savannah, and the mouth of the Mississippi.

New arrivals by way of Bermuda had increased the British ships in the Chesapeake to upward of twenty

sail. Three or four thousand troops were on board, including a regiment made up of foreign refugees and prisoners, many of them worthless desperadoes. Coming to anchor in Hampton Roads, this fleet threatened Norfolk and the adjacent navy yard at Portsmouth. The Constellation lay moored just below these towns, between three forts manned principally with militia. There was also in the river a squadron of fifteen gunboats, but a recent action with two British frigates had only served to confirm the general opinion as to their worthlessness. Some five miles in advance of Norfolk, and commanding the approach to it, lay Craney Island, separated from the southern shore by a narrow channel, fordable at half tide. This island, half a mile in length, oblong, flat, and bare, with some unfinished breastworks and three heavy cannon, was held by Major Faulkner, with six hundred Virginia militia, a few regulars, a hundred and fifty seamen and marines, and four field pieces. A much larger force of soldiers and marines was landed from the British fleet to threaten or force an entrance across the fordable channel, while another formidable attack was made by barges, but both attacks were repulsed with loss by the well-directed fire of the artillery on the island. The British, enraged at this failure, made a landing at the ancient village of Hampton, on the north shore of James River. The few militia stationed there were soon put to flight, when the victors, with the too usual license of British soldiers, disgraced themselves by plundering the houses, and by shocking brutalities to the women. The alarm soon spread to Richmond. "What think you," wrote Wirt to his wife, after some allusions to the outrages at Hampton, "must have been the agonies of the women here on the report that the same enemy was in their town?" "You would know

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what I have been doing this summer?" so he wrote a few months after to a friend. "Why, reading newspapers, mustering the militia, hearing bells and alarm guns, and training a company of flying artillery, with which I have already, in imagination, beaten and captured four or five British detachments. *Leges silent inter arma.* My wife is in uncommon health, but downhearted because of the flying artillery, which she considers a boyish freak, unworthy of the father of six unprovided children."

The alarm thus aggravated and diffused, and which caused the governor of Virginia thankfully to accept the offer of a North Carolina regiment to aid in the defense of Norfolk, was not long in reaching Washington. The

July 15. arrival of an express with news that fourteen British ships had entered the Potomac, threw that city into the greatest commotion. The few regulars in the neighborhood, making with the District militia a force of some 3000 men, were hastily collected and marched down the river for the defense of Fort Warburton, otherwise called Fort Washington, commanding a long reach just below Mount Vernon. The frigate Adams, just ready for sea, and a squadron of gun-boats, were disposed for the defense of the navy yard, for which purpose intrenchments were hastily thrown up. This scene of excitement continued for a week, during which Congress debated, in secret session, a resolution of inquiry as to the defense of Washington. This resolution, though violently opposed as a factious attack on the administration, was

July 16 finally referred to the military committee, who reported through their chairman, Troup, that the state of defense, both military and naval, was in every way perfect and adequate. Nor did Congress think it necessary to take any further step, except to vote a day of fasting, humili-

ation, and prayer, which the president accordingly proclaimed. Some shoals in the Potomac having stopped the ascent of the enemy, the war newspapers significantly announced that Washington was not yet burned.

Meanwhile, some of the British ships skirted the coast of North Carolina, and, under the influence of the alarm which they spread, the wife of Gaston, one of the members of Congress from that state, died in convulsions. Such are the terrors which invasion inspires among the feeble and timid, who every where compose the mass of the population. The Chesapeake, henceforward, was permanently occupied by the British ships. The distinction between public and private property has never been very accurately drawn in the British navy. From the time of Drake, that service had always embodied not a little of the buccaneering spirit. The evil was now aggravated by the fierceness, shared by officers as well as by men, always attendant on family quarrels. The inhabitants within striking distance of the shore lived in constant dread of the plunder of their tobacco and their live-stock, and of the loss of their slaves, who, besides deserting to the enemy, took this occasion also, by fire-raising and otherwise, to saddle on the British invaders the gratification of their own revenge. The newspapers in allusion to the Indian allies of the British, denounced the marauders in the Chesapeake as "water Winnebagoes." The war party in Congress, unable to afford any protection against an evil which they ought to have foreseen, endeavored to console themselves for this imbecility by a warm denunciatory report, drawn up by Clay, against the Indian and maritime barbarities of the enemy. As though the experience of the Revolution, had the war party been well informed on that subject, could have led to the expectation of any thing else! The British

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officers, on the other hand, complained of unusual means of warfare, especially in the employment of torpedoes and other sub-marine contrivances for blowing up their vessels. These torpedoes, though they proved not very efficient, inspired not a little dread; and the British officers threatened, if such irregular methods of warfare were persisted in, to retort by burning even the fishing craft and the oyster boats.

Hardly less alarming to the administration than the British fleet on the coast were the proceedings of the Massachusetts Legislature, simultaneously in session, with a large majority of Federalists in both branches, Quincy taking the lead in the Senate, and Lloyd and

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Otis in the House. Governor Strong's message called attention to the extensive sea-coast of the state, whose inhabitants, deprived by the war of their usual means of support, were also exposed to the danger of inroad and ravage. So far as Massachusetts was concerned, the general government had neglected its duty to provide for the common defense, and to afford protection to all the states alike. In case, however, of invasion made or attempted, he did not doubt that the state militia would exert their utmost efforts to repel it. Admitting the duty to obey all constitutional laws, he insisted upon freedom of speech and free discussion as a constitutional right, and upon the duty as well as the right of inquiring into the grounds of the war, and the present state of public affairs, and by temperate and constitutional means to promote, if possible, an honorable reconciliation. By an unnecessary war the deepest guilt was incurred. Which of the contending parties was chargeable with that guilt was a most important and proper subject of inquiry. There had appeared to him, in the late controversy as to neutral rights, a very anti-neutral leaning, on

the part of our government, toward France, and on the impressment question, a disposition to push to an untenable extent the right of our flag to protect British subjects against the claim of their own sovereign—a right useful to us merely as a means of acquiring wealth, while Britain insisted on her right to their service as essential, under present circumstances, to her very existence. If, upon thorough examination, the war seemed to be necessary, we should be justified—so, at least, the governor "presumed"—in affording our voluntary aid to it; but, did the United States appear to be in the wrong, that would afford the strongest motives of duty, as well as of interest, for desiring a change of policy.

The two Houses, fully responding to the governor's claim of the right of free discussion, agreed to a Remonstrance, in which they denounced the perseverance in war, after the repeal of the British orders, as impolitic and unjust; impolitic from the distrust which it exhibited of the good faith of the English nation, giving color to the charge of co-operation with France, and thereby tending to arouse the whole British nation against us; and unjust, because we had not taken, on our part, all the steps necessary to remove grounds of British complaint as to the employment of her seamen in our ships; because the question of impressment had never been presented to Great Britain as one of peace and war, between which she might choose; and because, for aught that appeared, it was still possible to settle that question by negotiation. July 15

It was the hope of protection to commerce which had induced the Northern people, who did not need the aid of the South for their defense, to surrender to the general government so large a share of their sovereignty, and, in agreeing to the slave representation, to yield to

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the South so undue a political weight. But, so far from protection to commerce, a bitter spirit of hostility to it had early evinced itself on the part of the central authority, ending, after a long course of harassments, in its total destruction by war—a war which appeared to be prompted rather by a subserviency to France most dangerous to our liberties, and by a lust of conquest, than by any disposition to defend endangered rights—a war ill conducted, excessively expensive, and which, in risking our future enjoyment of the fisheries, the great nursery of our seamen, and a means of support to thousands of our inhabitants, put us in jeopardy of losing what was of vastly more value than any Canadian territory we might be able to conquer, and what New England never could consent to abandon.

"Under such circumstances," so this remonstrance concluded, "silence toward the government would be treachery to the people. In making this solemn representation of our sufferings and our dangers, we have been influenced only by the duty which we owe to our constituents and our country, to our consciences and the memory of our fathers. And to the Searcher of all hearts we appeal for the purity of our motives and the sincerity of our declarations!"

The report of a committee, simultaneously adopted, complained of the admission of Louisiana, without the unanimous consent of the states, as unconstitutional and unauthorized, the commencement of a process of Western annexation which threatened to swamp the political influence of Massachusetts and the Eastern states, and which could not be suffered to pass in silence, lest silence might seem to give consent. This complaint was re

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echoed in the remonstrance, which was forwarded to

Congress, followed by a feeble protest against it on the part of the minority of the Legislature.

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But the procedure which most excited the war party was the report of a committee of the Senate, of which Quincy was chairman—a report, denounced at Washington as "moral treason," in relation to a vote of thanks to Captain Lawrence for the capture of the Peacock. Similar votes to Hull, Decatur, and Bainbridge, passed by the preceding Legislature, had been regarded by many conscientious persons, so the report stated, as an encouragement and excitement to the continuance of an unjust, unnecessary, and iniquitous war. The committee, therefore, with all respect for the naval skill, and military and civil virtues of Lawrence, of which they professed a high sense, recommended, and the Senate resolved, "that, in a war like the present, waged without justifiable cause, and prosecuted in a manner indicating that conquest and ambition were its real motives, it was not becoming a moral and religious people to express any approbation of military and naval exploits not immediately connected with the defense of our sea-coast and soil." This resolution, adopted a few days after the capture of the Chesapeake, but before the fate of Lawrence was known, was adhered to, through the influence of the conscientious party, for the remainder of the war, notwithstanding several attempts to set it aside on the part of Otis and the merely mercantile Federalists, frightened at the clamor raised against. It was partly as an offset to this action of the Federalists that one of the Crowninshield family, himself a noted privateersman, presently procured a flag of truce, and proceeded to Halifax for the body of Lawrence, which, on its arrival at Salem, was re-buried with pomp, Judge Story acting as the orator of the day. But regarding

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The Constellation, United States, and Macedonian being blockaded, and the repairs of the Constitution not yet finished, after the loss of the Chesapeake the only American frigates at sea were the President and Congress, which continued to cruise, but without meeting any thing of force, and the Essex, which by this time was playing a conspicuous part in the Pacific. After a

March 13. stormy passage round Cape Horn, Porter found, to his surprise, on reaching Valparaiso, that Chili had declared her independence of Spain, and, instead of the danger from a fast ally of England, which had made him hesitate about entering, he experienced a very friendly reception there. Having heard that the viceroy of Peru, in anticipation of war between Spain and the United States, had granted commissions to cruise against American whalers, he put to sea, and soon retook a captured American vessel, and shortly after a Peruvian cruiser, whose guns he threw overboard, and then dismissed. He next turned his attention to the British whalers, most of which being armed and provided with letters of marque, would, but for his presence in those seas, have taken or driven away all their American rivals. Of these armed British whalers, he captured in the course of five months not less than twelve, from which he obtained abundant supplies. Two he converted into cartels, to get rid of his prisoners, two others he armed as tenders and store ships, three he laid up at Valparaiso, and three others he sent to the United States, loaded with the oil found in the prizes. Not hearing of any more whalers,

Oct. and understanding that some British frigates were after him, taking with him his two tenders and the two re-

maining prizes, he retired to the group of the Marquesas or Washington Islands, there to put himself in order to meet the enemy.

The Argus sloop-of-war, having landed Crawford in France, produced a still greater havoc than the Essex by the capture in the British Channel, not a little to the alarm of the British merchants, of twenty-one merchant vessels. But she herself was presently captured by the Pelican, a sloop-of-war somewhat larger and stronger, after a severe engagement, in which Allen, her commander, was mortally wounded. All that now remained of the smaller cruisers were, the John Adams, which had been turned into a store-ship, the Hornet, blockaded at New London, the Syren, employed in the Gulf of Mexico, and the Enterprise, of twelve guns, Captain Burroughs. This latter vessel while employed in watching for the British privateers, which issued from the Bay of Fundy, encountered, off Menhagen, the British brig Boxer, of fourteen guns, which she compelled to strike, after a warm action, in which the commanders of both vessels were slain.

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Sept. 3

The equipment of the Pike having restored to Chauncey an equality with the enemy's fleet, he had hastened to return to the Niagara frontier. The system of operations by detachment was still persisted in, and Scott, now a colonel, was sent on board, with a body of troops, for a descent at Burlington Bay, at the head of the lake. The enemy there being found too strong, the fleet ran eastward as far as York, where Scott landed, burned the new barracks, and carried off a quantity of stores. From York, Chauncey returned to the Niagara, where he disembarked the troops, and a hundred sailors also destined to assist in manning Perry's Erie fleet. The enemy's fleet having appeared he gave chase, in hopes to bring

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on an action; but, in carrying sail for that purpose, two of his schooners were upset in a squall, and two others, a day or two after, were cut off and captured by the enemy. A gale coming on, Chauncey returned to Sackett's Harbor, where he was enabled to supply the loss of his schooners by the equipment of the Sylph, a new cruiser, armed with ten guns.

Armstrong's first plan of campaign having failed, he had speedily formed another, of which Kingston was again the main object. But, to distract the enemy, a force was still to be kept at Fort George, while Montreal was to be threatened by Hampton and the Champlain army. For the present, however, the threatening was on the side of the British. A disaster on Lake Champlain, hitherto commanded by three or four armed American sloops, had enabled the British to acquire a naval predominance as well there as on Lakes Ontario and Erie. Two of the American sloops, with a party of soldiers on board, having ventured into the narrow part of the lake below the British line, were attacked and taken by a detachment from the garrison of Isle aux Noix, acting in concert with some British gun-boats manned with soldiers; and these captured sloops, refitted and manned, secured to the British the command of the lake for the remainder of the season. Shortly after Hampton's assumption of command, a British expedition from the Canada end of the lake, covered by the two lately captured schooners, had landed, first at Swanton, and then at Plattsburg (as it happened, the very day that Scott landed at York), and had burned the barracks at these two points, and destroyed a quantity of stores. Appearing shortly after before Burlington, they took several trading vessels, excited a great alarm, and made evident the necessity of recovering the naval command

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of the lake. Lieutenant M'Donough, appointed to this station, had as yet but very inadequate means at his command, and in rigging a few small vessels for immediate use, was obliged to work with his own hands.

Operations on the western frontier had for some time remained suspended. Harrison was waiting for re-enforcements; the British were also very weak, the critical state of the war in Europe not allowing any troops to be spared for Canada. Proctor, however, was the first to move. Alarmed at Perry's progress in building a fleet at Erie, and having at Malden a large body of Indians, collected throughout the Northwest, and as yet the control of the lake, he again appeared at Fort Meigs. July 21
He had hoped to entice Clay and his garrison into the open field, but this plan not succeeding, he advanced upon Fort Stevenson, at Lower Sandusky. This first link of communication between Fort Meigs and the inhabited country was so indefensible, that Harrison, then at Seneca, some ten miles up the river, sent orders to July 29.
Lieutenant Croghan, who held it with a garrison of 160 men and a single piece of artillery, to set it on fire and retreat. But as the fort was already surrounded by Indians, Croghan took the responsibility of continuing to hold it. After a cannonade from some British gun-boats, which had ascended the river, an assault was attempted; Aug. 2
but the enemy were repulsed with severe loss, and that same night, apprehending an attack from Harrison, they fell back in haste and disorder, and soon returned to Malden. This second invasion of Ohio had induced Governor Meigs to issue an order for a levy of the militia *en masse*. In some parts of the state, this order was literally complied with, and by the time that Proctor had retired, some ten thousand men were in the field, whose vexation was excessive at Harrison's declining, as

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he was obliged to by his orders, to muster them into the service of the United States.

1813. The expectation of the War Department of being able to furnish Harrison with 7000 regulars could not be realized, and authority had at length been reluctantly given to him to call upon the Governor of Kentucky for militia. The call was for infantry; but Governor Shelby fearing that volunteers could not be obtained, took the responsibility of substituting mounted men, a vastly more expensive and less efficient species of force. He himself volunteered to take the field at their head, and, in the course of six weeks, Harrison's army was raised to its full quota. Among these Kentucky troops was a regiment of six months' volunteers, raised early in the spring by Richard M. Johnson. They had been employed at first on the Indian frontier, but, in consequence of a call from General Clay when threatened with a siege, had subsequently advanced to Fort Meigs. Thence they had been ordered to Kaskaskia, to aid Governor Edwards against the Indians; but this did not suit them, and, while on their march, they had persuaded their commander to allow them to return to their homes, under an agreement, the fulfillment of which was, perhaps, not quite so certain, to rendezvous at Vincennes on the 20th of August. In consequence of representations made at Washington, this western march was counter manded, and, being directed to co-operate with Harrison, the regiment remustered in full force. Harrison's army was also joined by a number of Delaware, Shawanese, and Wyandot warriors, belonging to bands which had all along remained faithful, and to whom the option was now given of joining the American army, or of removing their families within the American lines.

Vain, however, as so often before, would have been

all this array of Western chivalry, but for the educated skill and intelligent courage of a young officer of that navy, hardly reckoned upon at all at the commencement of the war into which these pugnacious backwoodsmen had so recklessly plunged, but which now became the chief means of operation against that handful of British and Indians, from whom such a series of mortifying defeats and disasters had hitherto been experienced.

Covered by a regiment of Pennsylvania militia, ordered out for that purpose, and having overcome, by energy and indefatigable perseverance, a thousand obstacles incident to naval equipment on that, as it then was, remote and thinly-settled frontier, Perry had at length completed at Erie two war brigs, the Lawrence and the Niagara, each armed with eighteen thirty-two pound carronades and two long twelves. The bar, a protection to the ships while building, was now a serious obstacle to their getting out; but, during a temporary absence of the British squadron, whose chief employment it had been for some time past to watch the harbor, advantage was taken to lighten them over. Having received the reenforcement of sailors sent by Chauncey, and taken on board, to complete his equipment, 150 men from Harrison's army, Perry sailed for Malden, to offer battle to the enemy. His squadron consisted of the two new brigs, the captured Caledonia with three heavy guns, the Ariel with four long twelves, the Scorpion and Somers, each of two guns, and three other small lake vessels of one gun each; a total of fifty-five guns and nine vessels.

Aug. 2.

The enemy's squadron, commanded by Captain Barclay, an experienced seaman, consisted of the Detroit, a new ship just finished, of nineteen long guns, the ship Queen Charlotte, of seventeen, the schooner Lady Prevost, of thirteen, and the brig Hunter, of ten guns, be-

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sides two smaller vessels. Their whole number of guns was sixty-three, inferior in weight of metal to those of the American squadron, though better suited to an action at long shot. Perry had also some advantage in able seamen, Barclay's vessels being chiefly manned by Canadian watermen and soldiers. The entire crews on either side amounted to about 500 men. In hopes of additional sailors, Barclay for some time avoided an action; but, disappointed in this, and getting short of provisions, he presently left Malden to seek an engagement.

Sept. 9. Perry lay at Put-in-bay, among the group of islands off Sandusky, a favorable station for intercepting the British

Sep. 10 fleet. Early in the morning, the squadrons approached each other in order of battle; but the wind was so light, that it was noon before they came within reach. Barclay thus had the advantage of commencing the action at long shot, and also that of concentrating almost his whole fire upon the Lawrence, Perry's flag ship, which led the American line, supported by the Ariel and the Scorpion, and presently by the Caledonia. This fire, kept up for two hours and a half, occasioned a great slaughter, dismounted the guns of the Lawrence, disabled her sails, and made her almost a complete wreck. As the wind freshened, the other vessels passed her, and Perry, entering his boat, went on board the Niagara, Lieutenant Elliot, which had hitherto taken little part in the action, but now became the leading ship. Elliot assumed the command of the Somers, and exerted himself to bring up the smaller vessels. The British, in attempting to wear so as to encounter this fresh enemy with fresh broadsides, disordered their line, through which the Niagara passed, firing both broadsides at once, and followed and supported by the smaller vessels; and such was the effect of her heavy carronades,

that the British ships all soon struck. The combat had lasted about three hours, with a loss on either side of 150 in killed and wounded, Barclay himself among the latter.

Having converted a part of the captured vessels into transports, and taking Harrison's troops on board, Perry conveyed them to the Canada side. In anticipation of this movement, Proctor, after dismantling the fort at Malden, and burning the barracks, had commenced his retreat, carrying off all the horses and cattle in the neighborhood. The want of horses, of which there was not one in the army, the vessels having barely sufficed to bring over the men, seemed to render pursuit hopeless, but, on arriving opposite Detroit, this difficulty was removed by the appearance of Johnson's mounted regiment, just from Fort Meigs. After two days' preparation, during which the Territorial government of Michigan was reorganized, the army marched up the Thames in pursuit. Proctor's retreat had been greatly delayed by the quantity of plunder and private baggage. In two days his rear was overtaken, and all his stores and ammunition captured. The main body was found, the next day, near the Moravian town, the British, some 800 in number, drawn up with their left on the river and their right on a swamp occupied by Tecumseh and a body of Indians, but with no cover in front except an open wood. To fill up the space between the river and the swamp, the enemy had been displayed in open order. Completely broken by the first charge of Johnson's mounted men, drawn up in column, without an attempt at further resistance, they threw down their arms and surrendered. Proctor and his suite, with some two hundred men, escaped, by timely flight, to Ancaster, at the head of Lake Ontario. The Indians in the swamp

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fought better; but Tecumseh having fallen, they also fled, leaving some fifty killed behind. The American loss amounted to 17 killed and 30 wounded; among the latter, Johnson himself, very severely, for whom, also, the honor was claimed of having slain Tecumseh with his own hand—a claim not without its influence on Johnson's ultimate attainment of the vice-presidency.

An armistice having been concluded with the nearer Indian tribes, the Kentucky volunteers, successful for once, returned home in triumphant exultation, sounding the praises of Harrison and Johnson. Cass, soon after appointed Governor of Michigan, was left with his brigade to garrison Detroit. Harrison, with the remainder of the regulars, some 1300 in number, embarked for Buffalo, to co-operate with the army of Lake Ontario in completing the anticipated conquest of Upper Canada.

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CAMPAIGNS OF HAMPTON AND WILKINSON. DESOLATION OF THE NIAGARA FRONTIER. RETALIATIONS AS TO PRISONERS. CREEK WAR, FIRST CAMPAIGN. STATE POLITICS. SECOND SESSION OF THE THIRTEENTH CONGRESS. NEW EMBARGO. BRITISH OFFER TO TREAT. PROVISIONS FOR CARRYING ON THE WAR. YAZOO CLAIMS. THREATENING POSITION OF MASSACHUSETTS. ABANDONMENT OF THE RESTRICTIVE POLICY. SECOND CAMPAIGN AGAINST THE CREEKS. NORTHWESTERN EXPEDITIONS.

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LEAVING Flourney in command at New Orleans, Wilkinson, on his way to assume the command on Lake Ontario, at length arrived at Washington, where he was shown a return of troops at Fort George, Sackett's Harbor, and Burlington, amounting to 15,000 men, and was promised still further re-enforcements and ample supplies. He suggested that, instead of attacking Kingston directly, it might be better first to destroy the enemy's force at the head of Lake Ontario, and then to draw him from Kingston by a march on Montreal; but Armstrong still insisted upon the direct attack, agreeing, however, in case the force should prove insufficient for that, to put in execution Wilkinson's latter suggestion.

Aug. 8.

On reaching Sackett's Harbor, Wilkinson found things very different from Armstrong's representations: no means of transport, a third of the troops sick, officers very few in number, and both officers and men raw and uninstructed. Chauncey had again proceeded up the lake, in hopes to bring Yeo to action, and Wilkinson

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followed to Fort George. So long as Yeo kept the lake, the fleet was the only secure means of transporting the troops there to Sackett's Harbor. But, for the next month, Chauncey was occupied in maneuvering with Yeo, whom, at last, after an indecisive action off York, he drove to take refuge in Burlington Bay, where he held him blockaded. Meanwhile boats were got ready for transporting the troops down the lake; and Wilkinson, returning in advance of this movement to Sackett's Harbor, found Armstrong just arrived there to superintend operations in person.

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Old, dilapidated, so sick with lake fever as to be often confined to his bed, and not pleased with this unusual interference, Wilkinson, according to his own account, wished to give up the command, but Armstrong, who expressed no little contempt for Morgan Lewis, almost as much an invalid as Wilkinson, and for Boyd, the next in rank to Lewis, would not consent. The troops, after a good deal of delay, at last arrived from Niagara, and, with those at Sackett's Harbor, were presently transported, with their stores and baggage, to Grenadier Island—an operation, owing to the stormy weather, not accomplished without great risk and damage. This island, some nine miles south of the point where the St. Lawrence leaves the lake, was a position equally favorable to a move on Kingston or on Montreal. Upon which to move seems to have been for some time a debated point between Wilkinson and Armstrong. The return of the British fleet, which succeeded in eluding Chauncey's blockade, and the arrival of re-enforcements at Kingston—though a fleet of seven transports from York, with some 300 troops on board, was intercepted by Chauncey, and five of them, including the two lately-captured American schooners, were taken—

Oct. 20

seem finally to have decided in favor of a movement on Montreal, the responsibility for which was afterward warmly contested between Wilkinson and Armstrong, who mutually ascribed to each other lack of courage to attack Kingston.

To this jealousy between the general and the secretary was added another. Hampton and Wilkinson were mortal enemies, and Hampton had only accepted the command on Lake Champlain on condition of not falling under Wilkinson's orders—a difficulty which Armstrong, it would seem, had expected to get over by acting himself as commander in chief. Under orders from Armstrong, in expectation of an earlier movement on the part of Wilkinson, Hampton had advanced Sept. 19. from Plattsburgh with 4000 men and ten pieces of artillery. He had marched at first upon the direct northern road toward St. John's, but failing to find water for his draft cattle, owing to an unusal drought, he had deviated toward the left, and had followed the only road in that direction as far as Chateaugay Four Corners, about half way from Lake Champlain to the St. Lawrence, and a few miles south of the Canada line. Here he received express directions from Armstrong to remain till informed that Wilkinson was ready to move; Sept. 20 but, having been joined by several detachments of militia called out to re-enforce him, and having ascertained that Prevost's whole force did not exceed 2000 men, mostly militia, and those very much scattered, he resolved, without regard to his orders, by a bold stroke to monopolize to himself the glory of conquering Canada. Having advanced some twenty miles into the Oct. 1. enemy's country, cutting a road through the woods, and, being now within striking distance of the first British post, he detached Colonel Purdy on a long

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1813. detour, while he himself was to attack in front. Purdy's detachment lost its way, fell into an ambush, and was thrown into great confusion. The enemy in front were only a handful, but their commander having ordered his bugles to sound an advance, Hampton, deceived by this stratagem, retired, after a little firing, "in good order and unpursued," as his dispatch boasted, but without any further attempt to carry the enemy's position, or even to assist Purdy in disentangling himself, which he accomplished at last, not without difficulty and loss. This check, followed by heavy rains, extinguished the military ardor of Hampton, who presently fell back to his former position at the Four Corners.

Oct. 26.

Nov. 1.

During this bootless and unauthorized expedition, Armstrong, as if despairing of success, had returned to Washington, leaving Wilkinson, too sick to quit his bed, to conduct the expedition against Montreal. The 500 cavalry advanced by land, the 7000 infantry, with their provisions and stores, moved in 300 batteaux, guarded by a flotilla of gun-boats. Amid gusts alternating with deceitful calms the entrance of the St. Lawrence was gained, but not without the stranding of many boats and much damage to their lading. So soon as Wilkinson's intention to descend the river became apparent, a body of troops, with several gun-boats, was detached from Kingston to annoy his rear. On reaching the head of the great rapid, twenty miles below Ogdensburg, Wilkinson, still confined to bed in his boat, sent forward Brown to take up a position eight miles below to cover the descent, while Boyd, with 2000 men, including the cavalry who had just crossed to the Canada side, was directed to advance upon the British hanging on the rear, to outflank them, and to capture their

artillery. A confused action followed, known as the battle of Chrysler's farm, which resulted in the loss of General Covington and 340 men killed and wounded. The enemy, though decidedly inferior in numbers, after yielding a little, maintained their ground; but meanwhile the passage of the rapid was safely accomplished.

At the moment of starting, Wilkinson had sent an invitation to Hampton, in Armstrong's name, to meet him at St. Regis with his army and a supply of provisions. Hampton, however, sent only his inspector general with a letter, excusing himself on the ground that, as he could have brought no more provisions than the men could carry on their backs, and as Wilkinson had stated himself to have only twenty days' supplies, the junction might endanger the success of the expedition. His men, he wrote, had suffered fatigues equal to a winter's campaign, and were very much dispirited; in fact, he had already set out on his march for Lake Champlain, intending, however, to do his best to force the difficult road to St. John's, and hoping to be able to forward provisions to Cagnawaga, opposite Montreal, sufficient to save Wilkinson's army from starving. Wilkinson had reliable information that the whole garrison of Montreal, exclusive of citizens, did not exceed 600 men; but a council of war, considering Hampton's strange conduct, advised to give over the expedition, for which, indeed, the season was quite too late. The 12,000 men on this frontier having thus accomplished nothing, retired into winter quarters, Wilkinson at French Mills on Salmon River, and Hampton at Plattsburgh. But this was by no means the end of the campaign, which on the Niagara frontier was destined to have results still more disastrous.

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Harrison's division having marched from Buffalo to

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Niagara, had there embarked for Sackett's Harbor, left bare of troops by Wilkinson's advance. Harrison himself had soon after retired to his own district, leaving the command of the Niagara frontier to General M'Clure, a Scotsman by birth, an early settler in that vicinity, called out with a brigade of New York militia to supply the place of the departed regulars. Upon news of Proctor's defeat, Vincent had raised the blockade of Fort George and had retired to the head of the lake, of which M'Clure took advantage to issue a gasconading proclamation, declaring Upper Canada to be abandoned by its government, offering protection to such of the inhabitants as remained quiet, but threatening with martial law all who dared to communicate with the enemy. Subsequently to Wilkinson's retirement into winter quarters, Vincent was re-enforced, and the time of M'Clure's militia having expired, they refused to stay even a day longer, though offered a bounty to do so. A call made in November for other volunteer militia had failed. A draft recently ordered by Governor Tompkins was not yet executed. M'Clure's attempts to obtain volunteers were not responded to. Left with only a handful of regulars, and

Dec. 10

threatened by the advance of the British, he destroyed Fort George, and, under the idea of depriving the enemy of any shelter in that neighborhood, and justified, as he thought, by the orders of the War Department authorizing the destruction of the neighboring village of Newark if the defense of his position made it necessary, he set fire to that village, thus turning 400 innocent people houseless into the snow. Leaving a garrison of 160 regulars in Fort Niagara, and having stationed his few remaining troops at Lewistown and Schlosser, M'Clure hastened to Black Rock and Buffalo, where were large magazines to be defended.

Fort Niagara, very negligently guarded, was surprised

a few days after by a party of British and Indians, who put the garrison to the sword. The small detachments left by M'Clure fled in dismay, and Youngstown, Lewistown, the Tuscarora Indian village, Manchester, every house, in fact, as high up as the falls, was burned by the Britsh Indians. In spite of some 2000 militia hastily assembled by M'Clure, but whom panic and want of arms made next to useless, another party of the enemy, crossing above Grand Island, burned Black Rock and Buffalo, and destroyed three small vessels of Perry's late victorious fleet, and a great quantity of provisions and stores. The ravage thus complete, and Newark avenged, the enemy retired to their side of the strait, retaining only Fort Niagara, which they kept till the end of the war; after which Prevost issued a proclamation justifying the late burnings on the principle of retaliation, but deprecating such savage warfare, and offering for the future, if the Americans would pursue a like course, to conduct the war on more humane principles.

1813. Dec. 19. Dec. 30. 1814. Jan 12.

The rancor exhibited on the Niagara frontier was, perhaps, inflamed by the pending controversy as to prisoners of war. Dearborn's expedition against York and Fort George having placed a number of British soldiers in his power, the president, under the act authorizing retaliation, had ordered the close confinement of twenty-three of them, intended to abide the fate of the Irishmen taken at Queenstown, and sent to England to be tried for treason. Prevost, in consequence of a special dispatch from Lord Bathurst, responded by the close imprisonment of twice the number of American officers and non-commissioned officers, with a threat, if this system of retaliation was carried out, of "unmitigated severity against the American cities and villages." Madison replied by shutting up a like number of British officers, and with threats to retort any further severities

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in which the British might indulge; whereupon Prevost ordered all his prisoners into close confinement, an example which Madison hastened to follow. In New England, and among the Federalists generally, this policy of exposing our own citizens to imprisonment and death for the sake of a set of foreign renegades, as they were bitterly described, met with little countenance, and the escape of some of the imprisoned British officers from Worcester jail gave very general satisfaction. The Democrats, indeed, complained loudly that, while the American prisoners in Canada and at Halifax were often subjected to very harsh treatment and gross indignities, the British officers taken by us were sure of every attention and kindness at the hands of their Federal friends.

As if to counterbalance the check to the Northwestern Indians in the recapture of Detroit, the sole gleam thus far of success by land, a new and not less alarming Indian war had broken out in the South. The Creeks still possessed the southwestern half of Georgia, with almost the whole of the present State of Alabama. Many of the chiefs had made of late years considerable progress in civilization, having become agriculturists and herdsmen. In consequence, partly, of these innovations, the nation had become divided into a peace party and a war party, not without some striking analogies to the similar division in the United States. The peace party included the more wealthy and intelligent chiefs, favorable to the course of improvement in which the nation was engaged, and who foresaw that a war with the whites was hopeless, and would prove ruinous. At the head of the war party were a few stern old chiefs, who beheld with grief the departure of the nation from its original savage simplicity, but that party was mainly made up of young men, whom Tecumseh, during his late visit, had inocu-

lated with his ideas, and several of whom, some of them mere boys, claiming to be prophets, had begun "to dance the dance of the Indians of the lakes." CHAPTER XXVII. 1813.

Several murders of white people, committed by these fanactics, who soon wrought themselves up to a high pitch, had caused a great outcry. The Tennessee Legislature had even authorized the governor, if the murderers were not given up, to call out 10,000 militia, and to exterminate the Creeks. The peaceful chiefs, thus stimulated, succeeded, though not without great efforts, in putting the murderers to death, but the war party soon retorted by killing some of the chiefs most active in these executions. Of thirty-four towns or tribes of the Upper Creeks (those dwelling west of the Chattahooche), all but five joined the war party. The chiefs of the Lower Creeks (those dwelling in Georgia), all of whom favored peace, though they still retained their authority, considered themselves in such danger as to call loudly on the Indian agent and the State of Georgia for aid.

The whites in the southwest corner of the present State of Alabama, then its only settled portion, aware of the hostile disposition of the Creeks, had collected in some twenty picketed forts. Fort Mimms, on the west side of the Alabama, just above the junction of that river with the Tombigbee, became the refuge of some 400 persons, who, in spite of repeated warnings, suffered themselves to be surprised by Wetherford, a noted half-breed chief, at the head of a large party of the Alabama band, who had taken the lead in the hostile excitement. A part of the fort lately built fell at once into the hands of the assailants; the old part was held during a bloody contest of some hours, till the Indians set it on fire, killing all who attempted to get out, except some twenty who broke through and escaped. Aug. 30

Before this open outbreak the War Department, in

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consequence of the representations of Hawkins, the Creek agent, had called upon Georgia and Tennessee for militia.

1813. Upon news of the massacre at Fort Mimms, the Tennes-
Sept. 25. see Legislature, then in session, authorized the governor to call out an additional force of 3500 men. In hopes of finishing the war at a single stroke, four invading columns were speedily organized, amounting, in the whole, to more than 7000 men—one to march from Nashville, under General Jackson; another from East Tennessee, under General Cocke; a third from Georgia, under General Floyd; and a fourth from the Mississippi Territory. Nor was it white men alone whom the hostile Indians had to encounter. The Creeks of the lower towns mostly took sides against their brethren of the upper tribes. The Cherokees on the northeast, and the Choctaws on the west, volunteered, also, to march against them. It was generally believed among the backwoodsmen, who ascribed the war entirely to British and Spanish instigation, that the Creeks had abundant supplies of arms and ammunition. In fact, they were very poorly armed, relying, to a considerable extent, on clubs, arrows, and magic.

General Jackson, having speedily reassembled the volunteers of his late Natchez expedition, was the earliest to take the field. Advancing to the southern bend of
Oct 22. the Tennessee, and crossing the intervening ridges to the Coosa, he established, at the ten islands of that river, an encampment, to which he gave the name of Fort Strother. Though the Upper Creeks had a large extent of hunting-grounds, embracing the middle course of the Tennessee, and almost the entire waters of the Alabama and Tombigbee, with their branches, it was upon the Coosa and Tallapoosa, and the district which they inclosed, of which a portion was known as the "Hickory Ground," that their principal villages were situated;

and it was against this district that Jackson's operations were directed. A small village was surprised by a detachment, and all the inhabitants taken without bloodshed. A second and larger one, Tallushatches, was soon after approached, on either side, by an extended line of troops, under the immediate command of General Coffee. The warriors, it is said, refused to ask quarter; it is certain that they received none. Some 200 were killed on the spot; about 80 women and children were taken prisoners, some of them wounded—not designedly, so Jackson wrote, but from the unavoidable confusion of this avengement of Fort Mimms, by men who thought that massacre a proof that the Indians could never be civilized. Jackson's loss was five killed and forty wounded, several by arrows, but none mortally.

Oct. 28. Nov. 2.

A few days after, a similar blow was struck at a camp of the Red Sticks, for so the hostile party were called, employed in besieging the friendly village of Talladega. Encompassed by a bending line of infantry, flanked by mounted men, they were completely surprised. Two hundred and ninety were slain on the spot; the remainder, taking advantage of the unseasonable retreat of one of Jackson's companies, escaped to some neighboring hills. The loss on the part of the whites was fifteen killed and as many wounded. Jackson's supply of provisions, rather scanty from the first, now threatened to fail entirely, and his men, glutted with blood and glory, were very restive under short allowance. Upon a difference of opinion as to their legal period of service, repeated mutinies broke out. In spite of the general's utmost efforts, most of the men left him, and he was finally reduced to inactivity while waiting for new levies.

Nov. 9

A portion of Cocke's column, under General White, of whom Jackson complained grievously for refusing to

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obey his orders, had rendezvoused at Fort Armstrong, higher up the Coosa. Accompanied by some 300 Cherokee warriors, they penetrated into the Creek country, and, after burning two deserted villages, surprised the Hillibee towns, killed 60 warriors, and made 250 prisoners, without losing a single man.

The Georgia column of 1000 militia, with some 400 friendly Creeks, advancing from the east, penetrated to Autosee, on the Tallapoosa, about twenty miles from its junction with the Coosa, one of the largest Creek towns, and deemed by the Indians sacred and impregnable. It was burned, however, and the massacre of Fort Mimms was a third time avenged, in the slaughter of 200 Indians, including two principal chiefs, with a loss to the assailants of seven killed and fifty-four wounded.

The Mississippi column, the last to take the field, was composed of Mississippi militia, under Governor Claiborne, of the third regular regiment, and of a body of Choctaw volunteers. They marched from Fort Stoddard to attack a new town, lately established by the hostile Alabamas, above the mouth of the Cahawba, and consecrated by the prophets with many ceremonies, in hopes to render it impregnable. Having notice of Claiborne's approach, the Indians removed their women and children across the river. They gave battle in defense

Dec. 22.

of the town, but were soon routed, with a loss of thirty killed, the rest making good their escape among the neighboring swamps and ravines. The town was destroyed, with its large stores of provisions, also another town eight miles above; after which the troops returned to Fort Stoddard. Notwithstanding their successes, the four columns had failed to meet, according to the plan of the campaign, in the heart of the Creek country, and the war, as yet, was far from being finished.

These advantages over the Creeks formed, along with the recovery of Detroit, almost the only encouraging events in a second year of inefficiency and disasters, at the close of which the regulars in service amounted to 34,000 men. There had also been employed during the year 6000 volunteers, and upward of 30,000 militia.

Nov. 4.

The British ships in the Chesapeake and off the coast still continued a great annoyance. The blockade proclaimed in the spring had recently been extended by a new proclamation to Long Island Sound, and to every harbor, river, and inlet, from Montauk Point to the westernmost mouth of the Mississippi. The Legislature of North Carolina addressed a memorial to the president, complaining of the defenceless condition of their coast, and desiring to be specifically informed whether the general government intended to defend it or not. From Massachusetts such a document would have been regarded as a studied insult; coming from the North Carolina Legislature, which had just taken Stone to task for his opposition votes, the president replied to it in very soft-spoken terms. To maintain troops at every exposed point of the coast was, he said, obviously impossible.

Nor was the news from Europe more favorable. A new alliance had been formed against Bonaparte, including besides Great Britain and Russia, Sweden and the now emancipated Prussia and Austria. The accounts of the campaign were as yet confused and contradictory; but, in spite of the victory of Dresden, things looked doubtful for the Emperor of France, upon whose co-operation and assistance the zealous war party had all along greatly relied, and whose hostility to Great Britain, engrossing so much of the means of that country, had alone encouraged the administration to venture on a declaration of war. Nothing had been heard directly from the

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commissioners for peace, but it was known that Britain had declined the Russian mediation. Yet in spite of these discouragements, the war seemed rather to gain than to lose in popular favor. The aged Benson having resigned his seat in Congress from the city of New York, the Federalists put in nomination a son of John Jay; but he was beaten by 377 votes. New Jersey was carried for the war party by a small majority. They made some gains, also, in the Assembly of Maryland, and the Federal majority in that body presently agreed to a tax on the property of Baltimore for the repayment of the city fortification loan. They annexed, however, as conditions, that the persons to assess it should be nominated by the Legislature, and that the first proceeds should be applied to remunerate Hanson and others, whose property had been destroyed in the late riots—terms to which the Democrats would not agree. The Governor of Pennsylvania, and those of the Southern and Western states, expressed, in their messages, great zeal for the war. The Legislatures of South Carolina, Virginia, and Kentucky responded by assuming the immediate payment of their quota of the direct tax.

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The only offset to all this was the success of the Federalists in obtaining a small majority in the Vermont Assembly. The Democrats still, however, retained a majority of the Council. The choice of governor by the people had failed; but Martin Chittenden, the Federal candidate, was chosen by the Legislature on joint ballot.

Nov

Immediately after his introduction into office, Chittenden had issued a proclamation recalling a Vermont brigade of militia detailed by his predecessor to garrison Burlington during Hampton's march into Canada. The ground of this proclamation was the illegality of such calls and orders, except upon the existence, which Chittenden de

nied in the present case, of one of the three emergencies specified in the Constitution. He sent an officer to enforce his orders; but a part of the brigade protested against them, and the officer himself was arrested, and held to bail on a charge of sedition. The militia, however, were speedily discharged, their term of service having expired. 1813

New Hampshire, meanwhile, presented a curious specimen of the ease with which parties change their ideas. Anxious to get rid of the Democratic judges appointed by Langdon and Plumer, forgetting the protests of the Federalists against the repeal of Adams's Judiciary Act, and pushing to extremes the example lately set by the Democrats of Massachusetts, an act had been passed June 24. abolishing all the existing courts, even the Supreme Court, and substituting for them a new organization with a new appointment of judges. To this summary dismissal from posts which they held by the tenure of good behavior, the Democratic judges of the Supreme Court refused to submit. Adopting the Federal doctrines on that subject, they still claimed to be the true court, and undertook to hold rival sessions at the same times and places as the new one. In some counties, they were sustained by the adherence of the sheriffs, and things were thus thrown into great confusion. Finally, however, the new court triumphed, and by the learning of the new judges, something like order and consistency in the administration of the law was now first introduced into that state.

By the recent adhesion of Vermont, New England, so far as the state governments were concerned, presented an united front. This, with the growing pressure of the war, encouraged the assumption of a higher tone. The national administration was denounced as bitterly hostile to New England, which was said to be treated, in every

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respect, like a conquered province, her great interests, her commerce and navigation, being totally sacrificed; her very sentiment of right and justice trampled under foot, and her people specially involved in the burdens and sufferings of a war which they detested, carried on for the sake of defending foreigners in the right of expatriation, and of adding new territories to the already overgrown backwoods interest. That interest, now in full possession of the government, threatened, it was said, to pull down the old commercial, civilized states to the level of their own barbarism. Every New England man of talent and character, in whom his fellow-citizens had confidence, had been, for twelve years and more, proscribed by the general government, which had appointed to office from that section of the Union none but supple tools, for the most part of mean abilities as of doubtful reputation, whose sole and single political principle had been implicit submission to and unquestioning support of whatever folly or oppression the whims, the ignorance, or the malice of the administration might choose to indulge in. Reduced as New England now was by complicated follies and oppressions to the very brink of ruin, it had become her first duty to consult her own interest and safety. In the Boston Daily Advertiser, which had begun to be published with the commencement of the year, the first and then the only daily paper in New England, absorbing the Repertory, hitherto the organ of the more ultra Federalists, the idea was broached by a correspondent of a separate peace, or, at least, of a position of neutrality, leaving it to such states as chose to fight it out to their hearts' content. No responsible person stood forward as the avowed champion of such a step; yet the idea continued to be kept before the public mind in the Federal newspapers, eliciting from the Democratic office

holders and editors loud cries of treason, and producing at Washington no little alarm.

1813. Dec. 9.

The early proceedings of the reassembled Congress were little calculated to modify these discontents. Three days after the opening of the session, Madison, in a confidential message, complained bitterly of the indispensable supplies furnished from our ports to the fleets and armies of the enemy, both those in our neighborhood and those in Europe, and of the collusive introduction, in spite of the Non-importation Act, of British manufactures, sometimes by British vessels disguised as neutrals, and sometimes under collusive captures and fictitious ransoms—procedures facilitated by the disposition of certain of the district judges to give up goods when seized on bonds based on valuations so inadequate as to make even an open violation of the law a profitable operation. He therefore recommended an embargo on all exports; the total prohibition of the import of all goods known to be chiefly of British origin, especially woolen and cotton cloths, and spirits; the prohibition of ransoms; and the requiring as proof of neutral character that the master, supercargo, and at least three fourths of the crew should be subjects of the alleged neutral nation.

In partial compliance with these suggestions, and notwithstanding the disinclination of Cheves, Calhoun, and some others of the new leaders, to the whole Virginia system of commercial restrictions, a bill was speedily forced through both houses in secret session, prohibiting, under severe penalties, the exporting, or attempting to export, by land or water, any goods, produce, specie, or live stock. To guard against evasions, the coasting trade was so entirely prohibited, that it became necessary to pass a subsequent act to permit the crews of coasters, intercepted by the embargo away from home, to employ

Dec. 17

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their empty vessels as a means of getting back. Even on inland waters, no transportation was allowed except by the president's special permission. The most arbitrary discretion was vested in the custom-house officers, as well as in the public cruisers and privateers, to seize, on suspicion merely, any goods "apparently on their way," by land or water, "toward the territory of a foreign nation, or the vicinity thereof." Not even fishermen were allowed to go out, except under bonds not to violate this act.

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But it was found impossible to carry out the whole project of the administration. A bill to prohibit ransoms and the release of goods on bonds, was passed by the House, but lost in the Senate; a bill to prohibit the importation of woolens, cottons, and spirits, which passed the Senate, was lost in the House. In addition to the failure of these bills, the friends of peace and commerce derived some consolation from the arrival of a British schooner at Annapolis, under a flag of truce, bringing, along with news of the total defeat of Bonaparte in the great battle of Leipsic and of the entry of Wellington into the south of France, an offer from the British government, presently communicated to Congress, to treat of peace directly at London. London was preferred on account of the greater facilities it would afford for the discussions; should there be insuperable objections to treating there, Gottenburg was suggested as the next most convenient place. This offer, with the selection of Gottenburg as the place, Madison gladly accepted, though not without complaints at the rejection of the Russian mediation, of which the offer had been thrice made. He nominated as commissioners John Quincy Adams and Bayard, to whom Henry Clay and Jonathan Russell were added as special representatives of the war party. Russell was, at the same time, renominated and

1814. Jan. 6.

Jan. 14.

confirmed as minister to Sweden, some of the recusant Democratic senators having been lately lectured and whipped in by their respective state Legislatures. CHAPTER XXVII. 1814.

While these appointments were still pending, a hot discussion arose in the House on the question of French influence. During the summer, Hanson had published in his Federal Republican a copy of Turreau's threatening letter, written during the pendency of the Erskine arrangement, and afterward withdrawn, of which mention has been made under that date. This publication had called out from Graham, chief clerk of the State Department, in whose handwriting the copy printed from was said to be, a denial that there was, or ever had been, any such letter on the files of the State Department, except one, of which he recollected to have made a translation for Smith's use, and which Turreau had afterward withdrawn. Hanson, now a member of the House, had moved for a committee to inquire into the history of this affair; a motion very ably supported by Grosvenor, on the ground that the president had no right to consent to the withdrawal of any paper from the files of the State Department, since the admission of such a right would sanction the destruction, or giving away, of any public document at any time, or even of all the papers in the custody of the Department. But, after a debate of three days, in which the charge of French influence was vehemently urged, and as indignantly denied, the House voted down the proposed inquiry, substituting for it a call on the president for information, which produced merely a repetition of Graham's statement. January, 10–13. Jan. 19.

The instructions as to the terms of peace, carried out by Clay and Russell, who soon sailed from New York, in the John Adams, fitted out as a cartel, were the same in substance as those formerly given. The sentiments Jan. 23. Feb. 23.

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of the president on the subject of impressment were stated to have undergone no change. "This degrading practice," said the new instructions, "must cease. Our flag must protect the crew, or the United States can not consider themselves an independent nation." To remove all pretexts on the part of Great Britain for evading this demand, the president would agree to exclude all British seamen from our vessels, and all natives of Britain except the few already naturalized, and would also stipulate for the surrender of British deserters, whether from public or private vessels. Should the late law relative to seamen not effectually accomplish the object, the president was willing, so the dispatch stated, in order "to prevent a possibility of failure, to go further."

Feb. 8. Gallatin, who was still abroad, was presently added to the commission, Campbell, of the Senate, being simultaneously nominated to succeed him in the Treasury Department—an appointment to which the president was, as it were, forced, by a resolution of inquiry, adopted in the Senate, on the subject of that office. Other changes soon took place. Pinkney not being willing to

Feb. 25. reside at Washington, Richard Rush was appointed to the attorney-generalship, which now became a cabinet office. Return J. Meigs, the governor of Ohio, was appointed postmaster general in place of Granger, long distrusted as of the discontented faction, and who now provoked his dismission by giving to Leib, a conspicuous leader of the same clique, the lucrative office of postmaster of Philadelphia. The strict administration party brought forward Grundy to succeed Clay as speaker of the House of Representatives; but the Federalists, voting with the anti-restriction Democrats, gave that

Jan. 19. place to Cheves.

The most serious business of the session was the pro-

viding recruits for the army, and replenishment for the empty treasury.. As the enlistment of twelve months' men was found to stand in the way of more permanent engagements, the fourteen existing regiments of that character were to be replaced by men to serve for five years, nor were any volunteers to be retained except such as would engage for a like period. Three additional regiments of riflemen were to be raised; the two regiments of light.dragoons were consolidated into one; the three regiments of artillery were reorganized into twelve battalions. Thus was authorized, could the ranks be filled, an army of 66,000 regulars. To fill those ranks, the money bounty was raised to the enormous sum of $124, fifty on enlisting, fifty on-mustering, and the remainder when discharged; this latter sum, in case of death, to go to the soldier's representative. Tc any body who would bring in a recruit, eight dollars were to be allowed. The want of provision for the payment of the militia, in the interval between their marching and their being mustered into the service of the United States, had occasioned great complaints. That defect was now remedied. The option was also given to the president to call out militia for six months instead of three months, the longest period hitherto allowed.

These acts did not pass without numerous calls for the previous question, and committees of conference, nor without vehement and bitter debates, in which as well the policy as the conduct of the war were violently assailed. An amendment to the enlistment bill, restricting the employment of the troops to the defense of the territories of the United States, having been voted down, 54 to 103, Daniel Webster addressed the House in his first set speech. In a measured succession of ponderous sentences, if with somewhat of the monotony,

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yet with all the weight and sure aim of a trip-hammer he demolished the pretenses of the administration orators that it was the opposition who were to blame for the present state of affairs. This was an old charge, the usual resort of weak and wicked administrations; the same which, in Lord North's time, had been brought against Chatham, and Fox, and Barré, because they would not give the name of wisdom to what they believed to be the extreme of folly; an attempt to stifle the freedom of inquiry and discussion, against which he protested with most decided emphasis. That difficulty of raising troops, which made such enormous bounties necessary, grew out of the unpopularity of the war and its conduct, in those parts of the country where alone men were to be had. It was his advice not only to abandon all attempts at invasion and conquest, but to give over, also, that restrictive war waged upon commerce—that policy which, under pretense of regulating trade, had totally annihilated it; a policy believed, by whole states and sections, to be a piece of unconstitutional oppression, and which, if consistent with the letter of the Constitution, was certainly contrary to its spirit, and the intentions of those who formed and adopted it.

"If the war must continue, go to the ocean. Let it no longer be said that not one ship of force built by your hands since the war yet floats. If you are seriously contending for maritime rights, go to the theatre where alone those rights can be defended. Thither every indication of your fortunes points you. There the united wishes and exertions of the nation will go with you. Even our party divisions, acrimonious as they are, cease at the water's edge. They are lost in attachment to the national character on that element, where that character is made respectable. In protecting naval in-

interests by naval means, you will arm yourself with the whole power of national sentiment, and may command the whole abundance of national resources. In time you may enable yourself to redress injuries in the place where they may be offered, and, if need be, to accompany your own flag throughout the world with the protection of your own cannon."

These exhortations to naval warfare did not produce much effect. The House, indeed, voted to authorize the purchasing or building twenty cruisers of from eight to twenty guns each, but the bill failed in the Senate. The only acts on this subject were one authorizing the appointment of flotilla officers, distinct from those of the navy, for the gun-boat squadrons; the addition of 700 men to the marines; the appropriation of $500,000 for a steam frigate, or floating battery, for harbor defense, for which Fulton offered a plan; the authorizing the purchase, for $225,000, of the vessels captured on Lake Erie; the granting pensions to the widows and orphans of officers killed in the public or private armed vessels of the United States; and the raising to $100 the premium for prisoners taken by privateers, the balance of exchange being now some two thousand against us.

April 18

March 3

April 18.

March 4.

Pending these discussions, calls were made on the president for information as to the late disasters on the frontiers. A full share of reprehension was also lavished on the officers of the army, said to be appointed mostly on political grounds, jealous of, and often hostile to each other, a large part of them ignorant of their duty, and skulking from it under pretense of ill health or otherwise, leaving the raw troops to the idleness of a winter encampment, suffering severely with sickness, and with nobody but subalterns to train or to control them.

Nor did the winter and spring operations of the grand

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army at all tend to soften these criticisms. Wilkinson's forces, encamped at French Mills, having been withdrawn, for the convenience of subsistence, partly to Sackett's Harbor and partly to Plattsburg, a British detachment advanced a week or two after, and destroyed some magazines still left behind—an invasion which so alarmed the whole frontier, that Chittenden issued an order to the Vermont militia to hold themselves in readiness to repel invasion. Later in the season, the ground still covered with melting snow, Wilkinson advanced up the shore of Lake Champlain to the Canada frontier, with 4000 picked men. But all that came of this movement was an unsuccessful attack, to cover which the whole force was drawn out, upon a stone mill on the La Colle, held as a British outpost. A piece of heavy artillery, designed to effect a breach in the mill, stuck in the mud, and was left behind. One or two lighter guns made no impression. No means for a temporary cover had been provided, and the attacking party, exposed in an open field to a murderous fire, was obliged to retreat. That very night came a thaw, which flooded the forests and opened the lake, of which the British had the command; whereupon Wilkinson withdrew, covered with so much obloquy and ridicule, that he presently resigned the command and called for a court-martial.

Feb. 28.

March 30

Nor were the financial prospects for the year much more satisfactory. There remained at its commencement in the treasury, a surplus of only one million, to which might be added about five millions of the former loans not yet paid in. The revenue from the customs and public lands was estimated at $6,600,000, that from the new taxes imposed at the previous session at $3,500,000; hardly enough, in the whole, to meet the ordinary peace expenses, including interest on the public debt; while

the total expenditures were estimated at forty-five millions. To meet this deficiency, a new loan was authorized of twenty-five millions, with a reissue of treasury notes to the amount of ten millions. But the prospect of this loan appeared so desperate, that the charter of a National Bank was started as a means of aiding the finances. This scheme, first brought forward in a petition from New York, was reported against by Eppes, from the Committee of Ways and Means, as unconstitutional. Calhoun wished to evade this objection by limiting the charter to the District of Columbia, but in that shape the project did not suit the more immediate friends of the administration, acting for whom Grundy brought forward a new project, of which the discussion was cut short for the present by the speedy adjournment of Congress. Could banks have saved the finances, there was no reason for despair, since the patriotic Legislature of Pennsylvania, in spite of a new veto from Governor Snyder, had just chartered forty by a single act.

March 4. Jan. 4. Jan. 10. Feb. 4. April 2. April 18

Another scheme was to issue ten millions of additional treasury notes, in sums from ten to a thousand dollars, with additional taxes to pay the interest; but this was opposed as well by the bank men as by those who dreaded the revival of the old Continental currency. Jefferson, on the other hand, bitterly lamented, in his private correspondence, that the existing banking system effectually cut off the government from that resource—one of the most desperate schemes for prosecuting the war mainly at the expense of the poor and ignorant which could possibly have been resorted to.

The history of the Yazoo claims, and of their passage into Northern and mainly New England hands, has been given in another place. As long ago as 1803, a compromise of those claims had been recommended by Madi-

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son, Gallatin, and Lincoln, acting as commissioners; but that equitable arrangement, though again and again urged, had been defeated by the violent declamations of Randolph, supported by a large proportion of the Southern and by a number of the more ultra Northern members. Thus repelled from the halls of Congress, the claimants had turned to the courts of law, and the Supreme Court of the United States had decided, in 1810, in the case of *Fletcher vs. Peck*, that the act of Georgia, repealing the previous act for the sale of those lands, was unconstitutional and void, being in violation of a contract, and the title of the claimants good and valid. At first Congress had paid but little attention to this decision; but the settlers on the lands under titles from the United States began now to find themselves harassed with lawsuits, and this, added to the necessity at the present crisis, of conciliating the New England Democrats, among whom were several large speculators in these lands, extorted at last a tardy settlement.

March 31. The act as finally passed, though not without vehement debates, and in the House by a majority of only eight votes, provided for the issue to the claimants of scrip to the amount of eight millions of dollars, but not to bear interest, receivable in payment for Mississippi lands, and redeemable out of the proceeds of those lands, after the discharge of the prior lien of Georgia for the sum due to her under the compact of cession. Such was the end of a speculation out of which some of the Southern grantees made splendid fortunes, but which proved highly ruinous to many of the Northern adventurers, the amount finally realized going, for the most part, into the pockets, not of the original sufferers, but of subsequent purchasers, who had acquired the claims for a trifle.

While the tempest of debate was raging in Congress,

startling echoes came from New England. A war member of the House of Representatives at Washington having proposed to instruct the Attorney General of the United States to prosecute Governor Chittenden on account of his late proclamation recalling the Vermont militia, Otis laid on the table of the Massachusetts Senate a resolve expressive of the duty and readiness of Massachusetts to aid, with her whole power, the Governor of Vermont, and the people of that or any other state, in support of constitutional rights, by whomsoever infringed.

Jan. 6.

Jan 14.

The Massachusetts House, in a reply to the governor's speech, carried two to one, ascribed the origin of the war to a systematic abandonment of Washington's policy of impartial neutrality; to implacable animosity against the friends of that policy, and their total exclusion from any share in the government of the country; to the influence of worthless foreigners over the press, the cabinet, and Congress; to a jealousy of the commercial states, envy of their prosperity, fear of their growing strength, contempt for their pursuits, and ignorance of their true character and importance; to the cupidity of certain states for the wilderness reserved for the miserable aborigines; to a violent passion for conquest, and an infatuated persuasion that neighboring provinces were enamored of our institutions, and would become an easy prey to the arts and arms of raw and boastful adventurers; above all, to delusive estimates of the relative strength and resources of Bonaparte and Great Britain, inveterate and determined hostility to England having been made the basis of party power. Such were the true reasons of the war; the pretense of aiming to secure the freedom of commerce and the rights of seamen by a policy which had compelled both merchant and sailor to renounce their employments and to abandon the ocean,

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was, so this address declared, one of the grossest impositions ever attempted on popular credulity.

1814. In the course of a warm debate, in proof how false was the pretended sympathy of the government for American sailors, a representative from the southern most part of the state cited a circular just sent to the collectors of customs, forbidding them to grant protections to colored sailors, of whom there were more than a thousand in his part of the country, as able seamen as ever walked a deck, a greater number than all the native-born Americans ever pressed into the British service, thus deprived of protection by a government pretending to be fighting for sailors' rights.

The new embargo, criticized in this answer not less freely than the war, had cut off from the towns on the coast the supply of even such indispensable articles as wood, lime, flour, and corn. The suffering population, especially the sea-faring people, deprived of the last remainder of occupation, and driven almost to madness, called loudly on the state government for protection against what they esteemed not merely a cruel, but an unconstitutional and even malicious measure. Numerous petitions to that effect had come in from all parts of the state.

Disastrous to New England as the present policy was, there were, however, large numbers to whom it afforded a temporary and delusive pecuniary benefit. A host of agents, contractors, officers of all sorts, civil and military, had been called into being by the war. Privateering supplied, in some measure, the loss of foreign commerce. The interruption of all supplies from a distance, except by tedious and expensive land-carriage, and the demand for land as almost the only safe investment, gave a temporary prosperity to the farmer. In the various branches

of domestic manufactures, rapidly on the increase, though prosecuted as yet mainly by small capitalists, a new interest was fast rising, favorable to the total prohibition of foreign manufactures, and to the war as a means of it. CHAPTER XXVII. 1813.

The war party in Massachusetts, thus sustained, and with the general government to lean upon, still continued very formidable. In New Hampshire and Vermont it was still more so. Even in Connecticut and Rhode Island, where the new manufactures were extensively gone into, it began to rally. Its leaders watched with jealous eyes every movement of the Federalists, whom they overwhelmed with charges of want of patriotism, friendship for the enemy, sectional jealousies, and hostility to the Union; charges which, originating thus in New England itself, the Democrats of the other states were prompt to believe and to re-echo.

The non-extension of the British blockade to New England had excited not a little jealousy—it was, perhaps, a principal occasion of the new embargo. An incident, real or imaginary, which had lately occurred at New London, was seized upon as additional proof of collusion between the Federalists and the enemy. As the winter approached, Decatur had expected to get to sea with his two frigates. Vexed to find himself thwarted in every attempt by the watchfulness of the enemy, he wrote to the Navy Department in a fit of disgust, Dec. that, beyond all doubt, the British had, by signals or otherwise, instantaneous information of all his movements; and as proof of it, he stated that, after several nights of favorable weather, the report circulating in the town that an attempt was to be made to get out, "in the course of the evening two blue lights were burned on both points of the harbor's mouth." These "signals to the enemy," for such he unhesitatingly pronounced them, had been

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repeated, so he wrote, and had been seen by twenty persons at least of the squadron, though it does not appear that Decatur himself was one of the number; and yet, so he bitterly complained, there were men in New London who had "the hardihood to disbelieve it, and the effrontery to avow their disbelief." This "hardihood" and "effrontery" were immediately set down as proofs of a guilty collusion, and, as the story spread, it was made to involve, not only these unbelievers of New London, but the great body of the Federalists of Connecticut, and, in fact, of New England. Such a clamor was raised about it, that one of the Connecticut members of

Jan. 24.

Congress moved for a committee of investigation. Fisk, of Vermont, not willing, probably, that so useful a tale should be spoiled, professed to tremble at the idea of an inquisitorial power to be exercised by the House of inquiring into particular acts of treason. Calhoun thought it a matter too diminutive to merit attention. The inquiry was thus quashed; but the story spread and grew, and the more vehement opponents of the war soon began to be stigmatized as "blue-light Federalists"—a term which even yet lingers in our political vocabulary.

The Pennsylvania Legislature, only a few years before arrayed in arms against the authority of the national judiciary, now quoted largely from Washington's Fare well Address, expressing their astonishment at, and dis approbation of, Chittenden's proclamation and Otis's resolutions, and their readiness to aid the general government in bringing to justice all violators of the Constitution and the laws of the Union, and all aiders and comforters of the enemy, whether directly or indirectly. The

Jan. 18.

Feb. 12.

new Democratic Legislature of New Jersey responded still more fiercely, expressing "their contempt and abhorrence of the ravings of an infuriated faction, whether

issuing from a legislative body, a maniac governor, or discontented and ambitious demagogues," and declaring the resolution of the people, that is, of the Democrats of New Jersey, "to resist internal insurrection with the same readiness as the invasion of a cruel, vindictive, and savage foe."

Placed in this narrow strait, with no state administration out of New England to sympathize with them, except those of Delaware and Maryland, the Massachusetts leaders, impelled to action by the more impassioned part of their own suffering and infuriated partisans, conducted themselves with firmness and decision, but also with great prudence. As they had formerly repudiated, so they did not now adopt the claim of a power in the state Legislatures—as set forth in the famous resolutions of Virginia and Kentucky—to nullify, by acts of their own, the unconstitutional legislation of Congress. To assert any such power was unnecessary, since unconstitutional acts were void in themselves, whereas this doctrine of nullification would seem to admit their validity until some state Legislature should choose to nullify them. But they did maintain, what came to much the same thing in practice, that it was both the right and the duty of the state courts, and of the state Legislatures acting through the state courts, to take care that no usurped and unconstitutional power was exercised within their jurisdiction, whether by the Federal government or any body else. Of the sort of opposition which they were ready to adopt, they gave an early specimen in the passage of an act forbidding the employment of their jails by the United States for the confinement of prisoners committed by any other than judicial authority, and directing the jailers, at the end of thirty days, to discharge all British officers, prisoners of war, committed to them

Feb. 7.

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1814. for close confinement. This led to an act of Congress, authorizing the marshals of the United States, whenever the use of state jails was withdrawn, to provide other places of imprisonment; and to an application by the president to his faithful Legislature of Pennsylvania for the use of the Pennsylvania penitentiaries for the confinement of British officers, an application forthwith granted, though not with entire security against escape. Happily, however, this aggravating system soon came to an end. Some of the lately-imprisoned American officers having been released on parole, with a commission to inform the American government that the twenty-three prisoners sent to England, charged with treason, had not been brought to trial, but remained on the ordi-

April. nary footing of prisoners of war, this speedily led to a dismissal, on parole, of all the officers, prisoners on both sides. But the British government, in abandoning its untenable

July 23. claim, sought still to cover its retreat by a proclamation, recalling all its subjects from foreign service, granting pardon for all past treasons of this sort on the score of probable ignorance, but threatening to punish as traitors all taken in the service of any hostile power after four months from the date of the proclamation—an empty threat, never attempted to be executed.

The joint committee of the Massachusetts Legislature, to which the petitions for redress and protection

Feb. 16 had been referred, set forth, in their report, as the substance of these complaints, a deep, however melancholy conviction, that the Constitution, an object of the petitioners' particular reverence, had been endangered by a perversion of its powers, and that the basis of the Union, for which the petitioners expressed an ardent attachment, had been destroyed by a practical neglect of its principles. The basis of the Union, the grand inducement to

the formation of the Federal Constitution, had been the protection of commerce, by the present administration so deliberately sacrificed; while an admission of new states to the South and West, not contemplated by the parties to the Constitution, and not warranted by its principles, threatened to reduce the voice of New England, once powerful and effectual in the national councils, to the feeble and disregarded expression of colonial complaints. It was to these sources that the petitioners traced the war, and the more recent calamity of the new embargo, cutting off their shore fishery and coasting trade, the last poor remnant of a once flourishing commerce, thus destroying their means in proportion as the demands of the government increased; an act more odious and unfeeling than the Boston Port Bill, which roused the colonies to independence; a gross and palpable violation of the principles of the Constitution, not to be submitted to without a pusillanimous surrender of their rights and liberties.

In this exhibition of grievances, the committee declared their concurrence. "We believe that this war, so fertile in calamities, and so threatening in its consequences, has been waged with the worst possible views, and carried on in the worst possible manner; forming a union of wickedness and weakness which defies, for a parallel, the annals of the world. We believe, also, that its worst effects are yet to come; that loan upon loan, tax upon tax, and exaction upon exaction, must be imposed, until the comforts of the present and the hopes of the rising generation are destroyed. An impoverished people will be an enslaved people. An army of 60,000 men, become veteran by the time the war is ended, may become the instrument, as in former times, of destroying even the forms of liberty. It will be as easy to establish a president for life by their arms, as a president for four years

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by intrigue. We tremble for the liberties of our country. We think it the duty of the present generation to stand between the next and despotism."

Of the unconstitutionality of the embargo, and of the right of the state to prevent the exertion of unconstitutional power, they had no doubt. "A power to regulate commerce is abused when employed to destroy it, and a voluntary abuse of power sanctions the right of resistance as much as a direct and palpable usurpation. The sovereignty reserved to the states was reserved to protect the citizens from acts of violence by the United States, as well as for purposes of domestic regulation. We spurn the idea that the free, sovereign, and independent state of Massachusetts is reduced to a mere municipal corporation, without power to protect its people, or to defend them from oppression, from whatever quarter it comes. Whenever the national compact is violated, and the citizens of this state oppressed by cruel and unauthorized enactments, this Legislature is bound to interpose its power, and to wrest from the oppressor its victim. This is the spirit of our Union, and thus has it been explained by the very man who now sets at defiance all the principles of his early political life. The question, then, is not a question of power or right, but of time and expediency."

Three different measures had been suggested by the memorialists: a remonstrance to Congress; laws to punish unconstitutional searches and seizures, under color of the embargo; and the appointment of delegates to meet such as might be appointed by the Legislatures of other states, "for the purpose of devising proper measures to procure the united efforts of the commercial states to obtain such amendments or explanations of the Constitution as will secure them from future evils." Remon-

strances, the committee thought, had been tried too often already, with no result except to expose the Legislature to unjust reproaches and insinuations. The existing provisions of law, under which many suits had already been brought, would afford sufficient protection against unconstitutional seizures of persons and property. As to the proposed convention, though the committee was satisfied of its propriety, and that the voice of the petitioners was the voice of the state, yet, as a new Legislature was soon to meet fresh from the people, it was judged best to refer that matter to them. CHAPTER XXVII 1814.

The reception which this report met with afforded fresh proof of the difficulty of the position in which the Massachusetts leaders stood. While it was scouted by the more violent Federalists as inadequate to the occasion, which demanded instant action, on the other hand it was indirectly assailed in a letter by Samuel Dexter, published almost simultaneously with the adoption of the report. Since the downfall of John Adams's administration, Dexter had devoted himself to the practice of the law, at the head of which profession he now stood, not in New England only, but in the Supreme Court at Washington, where he had encountered as leading rivals Luther Martin, Robert Goodloe Harper, and William Pinkney—all ancient Federalists, though Pinkney now professed himself a Democrat, as Dexter seemed on the high road to become one. Of the embargo of 1807, of which he had denied the constitutionality, and generally of the commercial and foreign policy of the government, Dexter had been a warm opponent; but he had declined to go the length of the ultra-Federalists against the war, and, on that ground, had been selected by the Massachusetts Democrats, the year before, as their candidate for governor—an honor, however, which he had then pub- Feb. 25

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licly declined. After a year's interval, instead of declining the Democratic nomination, again renewed—patriotic alarm for the public mingling with ambition, perhaps, to play the part of the pilot that weathered the storm—who knows exactly how far or how much?—he came out with a printed letter, to explain, since the Democrats would vote for him, precisely the ground upon which he stood.

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He was as much opposed as ever to the restrictive system, which he regarded as unconstitutional, impossible to be executed, an encouragement to fraud and perjury, and, if executed, ineffectual as a means of coercing foreign powers, sacrificing the only considerable source of revenue, and fatal to the progress and enrichment of the nation. Yet, since the government had been "kicked into the war"—borrowing a phrase of Quincy's which had passed into a proverb—he did not feel himself at liberty to practice indiscriminate opposition, to paralyze the public energy by depreciating the resources and magnanimity of our own government, and exaggerating those of Great Britain, nor to justify the public enemy in measures that admitted of no excuse, thereby diminishing the chance for a speedy and honorable peace, and endangering the union of the states. The momentous question whether the war was "just and necessary," having been "settled by the constituted authorities," every individual, he thought, was bound to respect that decision. Man must submit to his destiny. War was a terrible necessity, but not so terrible as a separation of the states, which could only be accomplished by means of a cruel and often ferocious civil struggle, like that of the Revolution, leading to foreign intervention and partisanships fatal to liberty and social progress. The restoration of New England from its present political and

economical prostration by less violent, indeed by perfectly natural means, was not only possible but probable. The Southern Atlantic States were natural counterparts to New England, as much so as man and wife, an adaptation naturally leading to a very different shape and division of party from that now existing—a hint at a union between the Federalists of the North and that section of the dominant party led by Cheves and Calhoun, who had, indeed, exhibited views of maritime and commercial policy very different from the Virginia system, and corresponding in all respects with those of the Federalists.

But, however Dexter might please himself, as other New England lawyers have since done, by this dream of a Southern political alliance, or however to him, at Washington—his table covered with rich briefs, growing out of the new war questions of prize or not—war might seem a calamity indeed, but still a calamity to be endured, his letter made but a very slight impression upon the mass of the Massachusetts Federalists, smarting under losses and privations, and bred up in the Puritan idea that not to government, nor to the majority, but to the individual conscience belongs the decision upon questions of right and justice. The idea of a moderate opposition to a policy felt to be absurd and intolerable, was, in its very nature, Utopian, and, had the present heads of the Federal party adopted that policy, the Federal masses would soon have found some other, and, doubtless, far less judicious leaders. This was one of those numerous cases in which not to be decidedly and totally against the administration was to be substantially for it; and, in spite of Dexter's sharp criticisms on the commercial policy of the government, since, on the question of the war, he resigned his own judgment implicit-

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ly to theirs, he was hailed at once as a good Democrat, and, in the election that speedily followed, received the entire Democratic vote. But, in thus going over to the March. enemy, for so it was esteemed, he carried no Federalist with him beyond a score or two of immediate dependents and connections; and Strong was re-elected by a majority quite equal to that of the preceding year.

This bold front of opposition in Massachusetts was not without effect. Within four months after so zealously urging the embargo on Congress, Madison himself, dreading, perhaps, that combination at which Dexter had March 31 hinted, proposed its repeal; a proposition already, since its enactment, twice made by Federalists, and twice rejected. He found, indeed, a special reason for this change of policy in the news, just arrived, of the breaking off of negotiations between the allies and Bonaparte, of the entrance of the allies into France, and of the entire release, in consequence, of all Northern Europe from the operation as well of the British orders as of the French decrees. The president also recommended the repeal of the Non-importation Act, and the admission of imports of all kinds except enemy's property—a measure adopted amid the regretful lamentations of a few old embargo Republicans, and the open exultation and derisive applause of the Federalists. The reasons given for repeal, so Webster sarcastically pointed out, and Calhoun's attempt to answer him was not very successful, amounted to a complete admission of the charge so often urged by the Federalists, and so vehemently denied by the administration, that the whole restrictive policy had been adopted in concert, at least in co-operation, with France; for, now that the success of the allies had set aside the French decrees, and opened the Continent to England, it was no longer thought

worth while to attempt to keep up the restrictive system on our side. CHAPTER XXVII.

But the president, while thus relinquishing his favorite diplomatic use of commercial restrictions, recommended, in the same message, the adoption of a new policy, much in the same general strain: the prohibition of the export of specie, and, as an indemnity to the manufacturers for the repeal of the Non-importation Act, the prolongation of the double duties till three years after the end of the war. A specie prohibition bill was brought in, but was finally disposed of by an indefinite postponement. The continuation of the double duties was objected to as a very clumsy method of protecting the manufacturers, who had just as little interest as any body else in double duties on sugar, coffee, and such like articles; and the whole subject was presently referred to the next session, not without some sarcastic intimations from Webster that, when the war was over, the manufacturers might expect to be sacrificed as the merchants had been. Not that he was favorable to any forcing system. He did not wish to see a Sheffield or a Birmingham in this country; and he proceeded to urge certain objections to a manufacturing population, then very current among the New England Federalists, with whom the whole idea of domestic manufactures, associated as it was in their minds with the policy of war and restrictions, was very unpopular—objections, however, which experience has exploded, and which Webster himself was taught, in time, how to answer. 1814.

The failure of Wilkinson's winter movement against Canada has been already mentioned. Nor were the first events of the Creek campaign much more encouraging. Jackson had been joined by some 800 new volunteers and half as many Cherokee warriors, and hearing that

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the Red Sticks intended to attack Floyd, who lay encamped with his column of Georgia troops and friendly Indians about half way between the Lower Tallapoosa and the Chattahoochee, he marched from his camp at Fort Strother toward the great bend of the Tallapoosa, in hopes to effect a diversion in Floyd's favor. But he

Jan. 21. himself was attacked on his march, his camp being assaulted with such spirit and pertinacity that, when the Indians were at length repulsed, he judged it best to fall

Jan. 24. back again to Fort Strother. The Creeks followed, and, the third day after, attacked him again; and with such vigor, that the volunteers were seized with a sudden panic, and would have been completely routed but for a piece of cannon served by a company of regular artillery, by whose coolness, intrepidity, and fatal fire the assailants were driven back. Jackson's loss in these engagements was 24 killed and 71 wounded. According to the system adopted by the whites, no quarter was given to the Indians, who left behind them near 200 dead. How many of those who escaped were wounded, there was, as in the previous engagements, no means of telling. Jackson's movement having thus failed, the Red Sticks,

Jan. 27. a few days after, made a furious attack, before daylight, on Floyd's camp. They were repelled, after a severe struggle, by a charge of cavalry; but not without a loss, on the part of the Georgians, of 18 killed and 132 wounded, and, on the part of the friendly Indians, of 5 killed and 15 wounded. The Red Sticks left 37 dead on the field, but the pools of blood and the number of head-dresses and war-clubs found scattered in various directions, indicated a much severer loss.

New calls for militia had meanwhile been made; but, before the Georgia and South Carolina quotas arrived, Jackson, by the efforts of Governor Blount, was furnished

with a new force of 4000 Tennessee militia, to which were added a regiment of regulars, and a large number of Cherokees and friendly Creeks. Marching with this force fifty miles down the Coosa, he built Fort Williams, on that river. He then again directed his march for the great bend of the Tallapoosa, not far below the point where the 33d parallel of north latitude crosses that river, and near the mouth of the Emucfaw Creek. Here the main body of the Red Sticks were established in a bend called the Great Horse-shoe, inclosing a peninsula of about a hundred acres, across the neck of which they had built a strong breastwork. "Determined to exterminate them," such is his own expression, Jackson sent General Coffee, with the volunteers and friendly Indians, to occupy the banks of the bend, while the regulars were drawn up to storm the breastwork. Some of the Cherokees swam the river, and put fire to the wigwams which lined the bank at the bottom of the bend—an adventurous operation, in which they suffered serious loss. By the aid of this diversion the breastwork was carried, when a terrible massacre ensued. No less than 557 were killed in the peninsula, and a large number more in attempting to escape by swimming. "The fighting," says Jackson's dispatch, written the next day, "continued with some severity about five hours; but we continued to destroy many of them who had concealed themselves under the bank of the river, until we were prevented by the night. This morning we killed sixteen who had been concealed. We took 250 prisoners, all women and children except two or three. Our loss (exclusive of friendly Indians) is 26 killed and 106 wounded." The grim general who presided over this bloody scene, which seems to carry us back to the early Indian wars of New England, had still a tender spot in his heart. Moved by the wail of an Indian in-

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March 27.

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fant, picked up from the field, whose mother had perished during the battle, Jackson strove to induce some nursing women among the prisoners to suckle it. "Its mother is dead," was the cold answer; "let the child die too." The general, himself a childless man, then turned nurse himself. Some brown sugar formed a part of his private stores, and with this he caused the child to be fed. He even took it home with him, and reared it up in his own family. The Indian orphan, thus cared for, grew a bright and thriving boy, and, when he came of age, having meanwhile chosen and learned a trade, he was comfortably established as a saddler at Nashville.

The defeat and massacre of the Great Bend entirely broke the spirit of the Red Sticks, and they presently began to come in to Fort Jackson, now built near the junction of the Coosa and Tallapoosa. Among these suppliants was Wetherford, the half-breed chief who had been so active in commencing the war. "I fought at Fort Mimms"—such was his address to Jackson—"I fought the army of Georgia. I did you all the injury I could. Had I been supported as I was promised, I would have done more. But my warriors are killed, and I can fight no longer. I look back with sorrow that I have brought destruction on my nation. I am now in your power. Do with me as you please. I too am a warrior." In spite of the murmurs of the volunteers, Wetherford's life was spared, and the same lenient policy was adopted by Jackson with all who came in; but there were still some not choosing thus to submit, who fled to Florida. The major-generalship vacated by Harrison, who had thrown up his commission through disgust at some slights and interferences of Armstrong,

May.

was given to Jackson, who was also empowered to dictate to the Creeks the terms of peace. By the treaty as signed, the Upper Creeks lost three quarters and more

of their territory, to a great extent fertile and beautiful land, retaining only that part of it east of the Coosa (scene of the late hostilities, and in which were their principal villages), and north of a line from the mouth of the Tallapoosa to Fort Gaines, on the Chattahoochee. Even the friendly Lower Creeks were required to surrender that great tract south of a due east line from Fort Gaines to the Altamaha, very worthless for purposes of settlement, being a mixture of pine barrens and swamps, but the cession of which served to cut them off from a communication with Florida.

1814. Aug. 9.

Meanwhile a council of the Northern Indians had been convened at Dayton, at which those present were required, as an earnest of their peaceful intentions, to take up arms against the British, on a stipend of seventy-five cents a day to each warrior. At a subsequent council, more numerously attended, at the old council ground of Greenville, the Indian boundary lines, as they existed before the war, were confirmed. The Wyandots, Delawares, Senecas, Shawanese, and most of the Miamis, joined now in the war-dance, and took up the tomahawk as required. A large body of these savage allies was presently assembled at Detroit; but, after one or two inroads into Canada, they were dismissed as troublesome, expensive, and useless. The Potawatomies of Lake Michigan insisted on neutrality. Neither the Winnebagoes nor the numerous confederacy of the Chippewas had been represented in the council. Little, indeed, was to be expected of those tribes so long as the British held Michilimackinac, which they had taken care to re-enforce and supply, having established a depôt for that purpose on Georgian Bay of Lake Huron, to which supplies from Kingston were conveyed in birch bark canoes through Lake Simcoe, and whence they were forwarded by the same means.

March. June. July.

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To recover American ascendency among those distant tribes, two expeditions were set on foot. The one, of five barges and 200 men, ascended the Mississippi from St. Louis, and established a post at Prairie du Chien, just above the mouth of the Wisconsin. But a party which presently followed with supplies and re-enforcements was attacked by the Indians at the Rock River Rapids, and driven back with loss, while the post itself at Prairie du Chien was invested and taken by a body of 600 Canadians and Indians from the upper lakes. The other and more important, though hardly more fortunate expedition, was directed against Michilimackinac. Several vessels of Perry's late squadron served as convoy; the land forces, 600 in number, were commanded by Colonel Croghan, distinguished by his defense of Lower Sandusky, and by Major Holmes, who, during the preceding winter, had led a detachment of 200 men from Detroit into Canada, and, after a series of creditable maneuvers, had repelled a nearly double force of British regulars, which had attempted to cut him off. This expedition was intended for the early spring, but, owing to cabinet differences as to its policy, it did not leave Detroit till midsummer, and then its progress was so slow as to give the British ample warning. The fort, when reached, was found too high to be battered. An attempted assault was repulsed. The loss was trifling, but the troops were discouraged, and it was determined to sail for Georgian Bay, in the hope to reduce the garrison of Michilimackinac by cutting off their supplies. The British post and a schooner loaded with provisions were destroyed, and two vessels of the squadron were left as cruisers, to prevent any further communication; but these vessels were presently surprised and taken by boats from Michilimackinac, after which Detroit began to be again threatened by parties of Indians.

May.

July 17.

July 14.

Aug. 4.

Sept.

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BLOCKADE OF THE ENTIRE COAST. MASSACHUSETTS LEGISLATURE. NAVAL AFFAIRS. THE NORTHERN ARMY NEW INSTRUCTIONS TO THE AMERICAN COMMISSIONERS. BROWN'S INVASION OF CANADA. INVASION OF MASSACHUSETTS AND MARYLAND. CAPTURE OF WASHINGTON. NEW YORK INVADED. VICTORY ON LAKE CHAMPLAIN. GENERAL ALARM. MEASURES OF DEFENSE. BRITISH REPULSED FROM BALTIMORE. SORTIE FROM FORT ERIE. MOVEMENTS AT THE SOUTHWEST.

1814.

WITH the setting in of winter, part of the British blockading squadron had left the Chesapeake; but vessels enough remained behind to keep the coast of that bay in a constant state of alarm, which was aggravated in the spring by the issue of a proclamation, dated at Bermuda, the rendezvous of the blockading fleet, signed by Admiral Cochrane, who had succeeded Warren on the American station, addressed, in fact, to the slaves, under the denomination of "persons desirous to emigrate from the United States." To such persons, with their families, a reception was offered on board any of his majesty's ships of war, with the choice of entering into either the land or the naval service, or of being sent as "free" settlers to the British possessions in North America or the West Indies. There is reason, indeed, to believe that a plan, suggested by some of the British officers, for taking possession of the peninsula between Delaware and Chesapeake Bays, and there training a black army, was only rejected because the British, being then slaveholders

April 2.

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themselves, did not like to encourage insurrection elsewhere.

1814. British ships remained also off New London during the winter, making their rendezvous in Gardiner's Bay, at the east end of Long Island; nor did Decatur find it possible to get to sea. On the first alarm occasioned by the blockade of Long Island Sound, militia had been called out to guard the more exposed points of the coast of Connecticut. Regulars had afterward been substituted by the War Department; but, during the winter, in spite of the remonstrances and warnings of Governor Smith, they had been withdrawn. The consequence was, that six boats, with 200 men, from the British

April 8. squadron, quietly entered the mouth of the Connecticut, ascended several miles, and before any force could be assembled to oppose them, destroyed not less than twenty vessels collected there as a place of security. Not long after his invitation to the slaves, Cochrane issued a new

April 23. proclamation, including New England in the blockade, now made to apply to the entire coast of the United States, the first notice of which extension was the appearance of several British cruisers in Massachusetts Bay, and the capture and burning of some thirty or forty coasters.

Governor Strong insisted in his speech to the new

May 30. Legislature of Massachusetts, which came together at this crisis, and both Houses, in their replies, agreed with him, that since a large majority of the people of that state had always viewed the war as unnecessary and unjustifiable, the national rulers had no right to ask, nor reason to expect (unless they supposed the people of Massachusetts destitute of moral principle), any efforts from them in behalf of the war beyond the bare fulfillment of constitutional requisitions. Nor must they suppose, because the people of Massachusetts maintained their

reputation for good order by submitting to the constitutional right of Congress to declare war and to levy taxes to carry it on, that this submission resulted either from ignorance incapable of discerning, or from pusillanimity not ready to assert their essential rights, should any such be at any time invaded. It seemed, however, to be implied in these papers, that the repeal of the embargo, and the increased prospect of peace from the downfall of Bonaparte (the news of whose abdication had just arrived), would justify a still further delay of the proposed convention; nor was any action taken upon it at this session. 1814.

The landing of boats from the British ships at Wareham, where several vessels and a factory were burned, and another landing at Scituate, a few miles from Boston, threw the whole coast into fresh alarm. The Legislature appropriated a million of dollars for defense, and by the governor's orders cannon and guards were stationed at the most exposed spots. Returning from unsuccessful cruises, the Congress had put into Portsmouth, and the Constitution, not without a narrow escape from the British cruisers, first into Marblehead, and then into Boston. There was also at each of these places a seventy-four gun ship, nearly finished. Finding Portsmouth without any garrison, Governor Gilman called out 500 militia; but, as the general government refused to pay them, on the arrival of Commodore Hull with a detachment of sailors, the Legislature ordered them to be dismissed. The Federalists controlled both branches of that body; but at the late election, the Democrats, though they could not defeat Gilman, had chosen a majority of the executive counselors. The only troops at Boston, where Bainbridge had the naval command, were a few regulars in Fort Independence. As the ships

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of war might provoke an attack on the town, and a great destruction of lives and property, a committee of the governor's council suggested to Bainbridge to place those ships under the guns of the fort. But as this would diminish his chance of defense, he refused, and presently some companies of militia volunteered to aid in defending the navy yard.

Naval operations on the part of the Americans were by this time a good deal curtailed. The Essex, hitherto so successful in the Pacific, leaving at the Marquesas Island three of her prizes, under cover of a fort, garrisoned with twenty-five men, had returned to Val-

Jan.

paraiso, accompanied by a tender, armed with the guns taken from the prizes, and named the Essex, Jr. There she waited for the Phœbe British frigate, understood to have been sent in pursuit of her; but when the Phœbe came, she unexpectedly brought with her the sloop-of-war Cherub. A third sloop-of-war had sailed for the mouth of the Columbia, to plunder the establishment of the North American Fur Company at Astoria, a fate only escaped by a seasonable transfer to British owners. The Essex, Jr., not built for war, with a scant crew, and armed only with light guns, could be of no use in a contest with the Phœbe and Cherub, and the Phœbe alone was a fair match for the Essex. It was Porter's policy, therefore, to escape without fighting; but, in attempting to do so,

March 28.

a squall carried away his main top-mast, and, failing to regain the port, he was obliged to engage under this additional disadvantage. After a desperate resistance, in which he had 58 killed and 66 wounded, and an unsuccessful endeavor to run the ship on shore, some thirty men having been lost in attempts to escape by swimming, Porter was obliged to strike. Nor were his prizes much more lucky. Those sent to the United States fell

into the hands of the British blockading cruisers; of those left at the Marquesas, one was carried off by a party of mutineers, while another, with the remnants of the garrison on board, was taken by the Cherub. The Essex, Jr. was converted into a cartel, in which Porter and his crew were sent to the United States.

After this capture, and the return of the Constitution, already mentioned, there remained no American frigate at sea. The Constitution was blockaded at Boston, the Congress at Portsmouth, the United States and the Macedonian at New London, the President at New York, and the Constellation at Norfolk. So hopeless was their chance of getting out, that their crews were mostly sent to re-enforce Chauncey. The Adams, cut down to a sloop of twenty-eight guns, having got to sea from the Potomac by passing the British ships in the night, was now the heaviest cruiser out. After an unsuccessful voyage, she returned to Savannah, whence she sailed on another, which proved, as we shall see, to be her last. Of the new sloops-of-war, the Frolic, from Boston, when a few days out, was taken by the frigate Orpheus, after a chase, in which she threw all her guns overboard. The Peacock, from New York, reached the coast of Florida, where she captured the British brig-of-war Epervier, with $118,000 in specie on board, and with her prize got safe into Savannah, whence she soon sailed on a new cruise. The Wasp, another new sloop, sailing from Portsmouth to the British Channel, engaged, captured, and destroyed the Reindeer sloop-of-war, after which she put into L'Orient for repairs. Both the Epervier and the Reindeer were somewhat inferior to their antagonists, especially the latter, which made a very gallant fight. The Rattlesnake, a fast-sailing brig bought into the service, was first chased by a frigate off the

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American coast, and obliged, in escaping, to throw most of her guns overboard, and, soon after, again chased, and taken by a fifty-gun ship. The Syren also fell into the hands of a British seventy-four, leaving of the original smaller vessels only the Hornet, blockaded at New London, and the Enterprise, now employed as a guard-ship at Savannah. The Independence seventy-four, and the Guerriere and Java, new forty-fours, were launched in the course of the summer; but, besides the obstacles of the blockade, the financial difficulties of the government soon became such as to prevent their getting fitted for sea. The Baltimore clippers, and other privateers built on the same model, defied the pursuit of the enemy's cruisers. But the blockade of the coast made it very difficult to get their prizes in, and they, as well as the Adams, Wasp, and Peacock, the only national ships now at sea, adopted the practice of setting fire to their prizes after taking out their more valuable contents; a miserable destruction of property, which the enemy retorted by burning all the small coasters not able to pay a ransom.

June 12.

July 22.

Naval operations thus curtailed, and the blockaded coast left to defend itself, recruits for the army, as fast as they could be got, were hastened off to the New York frontier. In the course of the season, at an expense of two millions in bounties, about 14,000 recruits were enlisted, of whom Massachusetts, unpopular as the war was, furnished more than any single state, and lukewarm New England more than all the hot slave states put together. But such was the waste by the sword, disease, and desertion, that it was not found possible to raise the numbers of the army beyond the 34,000 at which it had stood at the close of the last campaign—about half the authorized number.

Wilkinson and Harrison had thrown up their commands in disgust. Hampton had retired in disgrace. Dearborn was stationed first at Albany and presently at Boston, Lewis at New York, and Bloomfield at Philadelphia. Winchester, Chandler, and Winder were still in the hands of the enemy. To supply their places Izard and Brown had been appointed major generals, and Macomb, Thomas A. Smith, Bissell, Scott, Gaines, and Ripley, brigadiers; all, except Brown and Ripley, officers of the old army. After the desolation of the Niagara frontier, Scott had been sent to take the command there, whither he was followed in the spring by Brown with a column of 2000 men from Sackett's Harbor, under misapprehension, as Armstrong alleges, of orders for a feint in that direction. Izard, a son of the former South Carolina diplomatist and senator of that name, having had a military education in Europe and long experience, much was hoped when he was placed in command of the main column at Plattsburg. But the new commander did not seem very well satisfied with the prospect before him. He complained that his troops, both officers and men, were raw and ignorant; the soldiers unpaid, insufficiently clad, and sickly; the ranks thinned by death and desertion, to check which numerous executions had recently taken place, and but slowly filled by recruits, of whom many were negroes; the officers, notwithstanding numerous dismissals for incapacity and misconduct, doing little but fight duels and shirk from duty; and the quarter-master's department without funds; while the enemy, by a trade which it was impossible to stop, drew abundant supplies of corn and cattle from the American side of the line. Vessels were building at Otter creek, under the direction of M'Donough, to secure the command of Lake Champlain; but their

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progress was slow, and Governor Chittenden had to send a detachment of militia to defend them against an attack, made but repulsed.

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May 14. Brown, meanwhile, with his two brigadiers, Ripley and Scott, and many inferior officers of great merit, in a more hopeful state of mind than Izard, labored assiduously, by rigorous drill and severe discipline, to form a corps able to encounter the British. But, for any movement on Canada, the command of the lakes, now held by the enemy, must first be secured. At the opening of the spring, Yeo had appeared on Lake Ontario with two brigs and four sloops-of-war of his old fleet, and two new ships, built and equipped during the winter—the Princess Charlotte, of 42 guns, and the Prince Regent, of 58. Chauncey had on the stocks, two heavy frigates and two large brigs; but the transportation of the guns and equipments from Albany to Oswego, and thence, by the lake shore, to Sackett's Harbor, was a slow, and, the latter part of it, a hazardous operation, resulting in several

May 5–7. sharp conflicts. A British force attacked Oswego, destroyed the fort, and carried off several guns designed for Chauncey. A fleet of American transports, on their way from Oswego to Sackett's Harbor, were more successful.

May 29. To avoid a squadron of seven British armed boats, they took refuge in the Big Sandy Creek; the men landed and lay in ambush, and when the British boats entered in pursuit, they surprised and captured them with their crews.

The news of Bonaparte's abdication, of the restoration of the Bourbons, and of peace in Europe, was a severe stroke to the war party. Not that they loved Bonaparte, so they said, but because they saw in his fall the removal of the last check to the insolence of Great Britain. It was received, on the other hand, by the Fed-

eralists with joy and exultation, as the harbinger of peace and of the renewal of commerce. It was celebrated at Boston by a religious ceremony, including a sermon from Dr. Channing, then just rising into reputation, and at New York by an oration from Gouverneur Morris, in which, after abundant exultations over the triumph of "legitimacy," he bade the Democrats prepare for the same fate which had overtaken their master and idol. The war party, however, found consolation for these taunts in their triumph at the late New York election, at which they had secured the command of both branches of the Legislature, and a large majority of the members of the next Congress.

1814. June 15. June 29.

However the mass of the war party might affect to make light of it, the unexpected change in the affairs of Europe, in putting a final period to all hopes of conquest, made the administration more anxious than ever for peace. A letter was accordingly addressed to the commissioners, from whom nothing definite had yet been heard, authorizing them, in consequence of the new state of things in Europe, to refer the impressment question, in case it should be found an obstacle to a treaty, to a separate negotiation, to be commenced as soon as peace was re-established. But before this letter was sent, dispatches arrived from Gallatin and Bayard, who had been in London for two or three months, endeavoring to pave the way for peace; and in consequence of these dispatches, which were far from encouraging, a postscript was added, authorizing the commissioners, should they think it best, to treat at London, and, if they could not make peace otherwise, to omit the subject of impressment altogether; but not without a protest that this silence was not to be taken as admitting the British claim.

June 24. June 27.

Before these new instructions arrived, Ghent, in Hol-

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land, had been agreed upon as the place of negotiation, but the British government, still busy with the affairs of the Continent, and having large bodies of troops on their hands, which might as well be employed in America as kept idle at home, seemed in no hurry to appoint negotiators. There was a war party in England not less passionate than that in America—war parties, indeed, are everywhere much alike—demanding, with the London Times at its head, the signal punishment of a pusillanimous and unnatural nation of Democrats, who had seized, for an attack upon Great Britain, the moment of her greatest pressure, and whose insolence, encouraged by naval successes, ought now to receive a signal check. Madison, it was said—and that idea seemed not disagreeable to the Federalists—must be made to resign, and to follow Bonaparte to some transatlantic Elba; and, as if to accomplish this object, large shipments of veteran troops were made for America.

The first important military movement came, however, from the American side. Brown and Scott, inflamed with a strong passion for military distinction, anxiously desired to show that there were officers and men in the American army with courage to face the enemy, and skill and determination to beat him in an equal battle. By solicitations addressed to Armstrong, for which purpose Scott paid a visit to Washington, and promises, by a sudden march, to seize Burlington Heights before aid could come from York, and to hold them too, if Chauncey fulfilled his intimations of speedily gaining the command of the lake, Brown obtained leave to undertake a new invasion of Canada. Ripley, an able officer, but without enthusiasm for mere fighting for the sake of it, thought the expedition Quixotic, the force much too small, and likely, should the enemy retain the command

of the lake, to be cut off and obliged to surrender. Rather than march on such a forlorn hope, he offered to resign; but to this Brown would not consent. Besides two brigades of regular infantry, five companies of artillery, and two of dragoons, Brown had a third brigade of volunteers, partly Pennsylvanians, partly New Yorkers, and partly Indians, commanded by Porter—in all, about 3500 men. Crossing in the night from Buffalo, already rising again from its ruins, he appeared in the morning under Fort Erie, held by a garrison of 140 men, who fulfilled his hope by surrender that same afternoon. Scott led the advance the next day against General Riall, who lay with an army about equal in numbers to Brown's, intrenched behind the Chippewa, fifteen miles distant. The British outposts were driven in, and Scott was joined at midnight by Brown with the rest of the army. During a skirmish of pickets the next morning, dissatisfied with the conduct of one of his officers in retreating too speedily, Brown cashiered him on the spot, thus giving a specimen of the standard to which he meant to hold those under his command. A movement in the afternoon, by Porter, to the woods on the left, drew Riall out of his intrenchments and across the Chippewa. After some resistance, the volunteers fled before the British column, uncovering the left flank of Scott's brigade, which advanced, however, with charged bayonets, and, before Ripley's brigade could be brought up, drove the enemy across the bridge, which they destroyed behind them. Preparations were immediately made for forcing the passage of the Chippewa, but this was anticipated by Riall, who abandoned not only his intrenched camp, but Queenstown also, and having thrown a part of his force into Fort George, retired with the rest to the strong ground some twelve miles up Lake Ontario.

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July 2.

July 3.

July 5

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The British loss in these operations, known as the battle of Chippewa, was about 500 men, that of Brown about 300.

Delighted at this first victory over a British army (for the defeat of Proctor had been rather a rout than a battle), Brown advanced to Queenstown; but for want of battering cannon, he found himself unable to attempt Fort George, and, with that fortress behind him, he hesitated to move against Riall. Thus stopped short, he wrote pressing letters to Gaines, in command at Sackett's Harbor, for aid, and to Chauncey for co-operation, extravagantly promising to conquer all Upper Canada in two months, if he could but have the fleet to transport his supplies and baggage. Chauncey was as little disposed as ever to turn his fleet into a convenience for land operations while there remained a British squadron to fight; besides, he was sick of lake fever, nor was his largest vessel ready. It was impossible for him to supply Brown with provisions, or to transport the guns and re-enforcements for which he had written; and after a three weeks' occupation of Queenstown, having heard how things stood at the other end of the lake, Brown
July 24. again fell back behind the Chippewa, there to prepare, so he said, for the wild project of a forced march on Bur-
July 25 lington Heights. But the very next day the alarming news came that General Drummond, with large re-enforcements from York, had arrived at Fort George, and that a strong force had crossed at Queenstown, destined against Brown's magazines at Schlosser. This was the very movement which Ripley had all along foreseen; and as the only means of defending those magazines, and in hopes to draw back the enemy, who was supposed to have crossed with his main force, Brown directed an advance on Queenstown. He had been deserted by his In-

dians, and his effective force was reduced now to less than 3000 men. Scott, who led this re-advance with his own brigade and Towson's artillery, about 1000 men, had not gained above a mile from the Chippewa, when, about sunset, at Bridgewater, adjacent to the Falls of Niagara, he unexpectedly encountered the enemy. A wood concealed them from view, and Scott knew not their numbers. It was, in fact, Riall with his whole army, which had followed close in Brown's rear, with intent to attack him the next morning, and which now occupied a commanding height, crowned with a park of seven pieces. Major Jessup, who commanded one of Scott's regiments, was detached to gain and turn the enemy's left. The rest of the brigade passed the wood and deployed, when they fell under a terrible fire from the British guns, placed too high for Towson's to take much effect upon them. Thus exposed for an hour or more, the ranks of the regiments were broken, and their numbers greatly thinned. Near a third of the men had fallen; but the enemy did not charge, and Scott still held on, hoping to be relieved by Brown. Jessup, meanwhile, encountering nothing but Canadian militia, who had fled before him, had gained and turned the enemy's rear, where he succeeded in making many prisoners, among them General Riall himself, retiring wounded from the front; also an aid-de-camp of General Drummond's sent forward to communicate with Riall, from whom Jessup learned that Drummond, with most of the forces from York, was close behind, advancing to Riall's support. The British general was secured and sent to the American camp; most of the other prisoners escaped, but not till they had been disarmed.

It being now quite dark, and the fire greatly slackened, Brown came up, with Ripley's brigade, which he

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ordered to interpose itself between Scott and the enemy. It was seen, in the course of this movement, that the British park of artillery, now increased to nine pieces, was the key of his position, and Colonel James Miller was ordered to storm it. While the other regiments engaged the enemy in front, Miller led his battalion, partially covered by the fence of a church-yard, silently up the hill, and pushed the artillerists from their guns at the point of the bayonet. Being soon supported by the 23d regiment, which, though recoiling at first from the enemy's fire, Ripley had rallied and led to the charge, the British infantry, after a severe but short struggle, was driven back, and the guns remained in Ripley's hands. His whole brigade was now drawn up on the hill, supported on the right by Porter's volunteers, and soon joined by Jessup, who, gradually making his way from the enemy's rear, had just before encountered and routed a British battalion.

The British, re-enforced by Drummond's arrival, presently advanced in the darkness to recover their guns, but soon recoiled again before the terrible fire of those who held the hill. In about half an hour they advanced again, but, after a short though severe conflict, during which Scott took them in flank with the remnants of his brigade, formed now into a single battalion, they were again driven back. Rallying again with desperate energy, they made a third and more obstinate attack. A perfect blaze of fire was kept up for half an hour, and the soldiers in many places crossed bayonets; but the Americans, replenishing their ammunition from the cartridge-boxes of their fallen enemies, still held the hill.

It was now midnight. The British having retired for the third time, a profound silence ensued, interrupted only by the groans of the wounded and dying, and the mo

notonous roar of the great waterfall, moaning, as it were, over this fatal scene of fraternal strife and military glory. The men, utterly exhausted, were almost perishing with thirst. All the regimental officers were severely wounded, as were Brown and Scott, who now retired from the field. According to the official reports, there had been killed and wounded on the American side 743 men, on the British 878. Ripley, who had been left in command, after waiting half an hour with no renewal of attack, gave orders to collect the wounded men, and to withdraw to the camp. Vastly to Brown's vexation, the want of horses and the exhausted state of the men made it impossible to bring off the captured artillery, and when an officer was sent back for that purpose, it was found that the enemy had reoccupied the hill. Excessively mortified, Brown ordered Ripley to march the next morning to recover the cannon; but not more than 1600 men could be mustered, and those stiff from yesterday's exertions, and Brown was at last induced, by Ripley's remonstrances, to recall his orders. Brown's retirement to be cured of his wounds, having left Ripley again in command, he destroyed the bridge over the Chippewa, and a part of the stores, and retired to a point opposite Black Rock, whence he sent the wounded to Buffalo, whither Brown had himself gone.

If the battle of Chippewa had left any doubts, this midnight conflict of Bridgewater, or Lundy's Lane, as it is sometimes called, would seem to have established beyond all question that Brown and his army could fight—a question not personal merely, but one which the want of energy and decision in former campaigns had rendered of national importance. Brown, however, was not satisfied. There was, certainly, no longer any great prospect of conquering Upper Canada, but he refused to allow

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the withdrawal of the army, which he ordered to Fort Erie; and disgusted at Ripley's want of sympathy, Scott being disabled from further service at present, he sent for Gaines to assume the command. Some additional volunteers were thrown into the fort, and preparations were made to defend it to the last.

It was a week before Drummond, who had himself been wounded in the late battle, was in a condition to

Aug. 4. move. He then advanced with 4000 men. A strong detachment, sent at the same time across the Niagara to attack Buffalo, was repulsed, much to Drummond's vexation, by a body of American riflemen stationed at Black Rock; but some boats, carried over land from the Niagara into Lake Ontario, succeeded, under the command

Aug. 12. of a British naval officer, in cutting out from under the guns of Fort Erie two vessels of Perry's late squadron, moored to guard it on the water side. After a heavy bombardment, which did, however, but little damage,

Aug. 15 the British, in three columns, advanced to a midnight assault. Gaines, however, was on the alert. The attack on the left was speedily repulsed. On the right, the British, braving the American fire, advanced again and again, breast deep in the water, almost within arms' length of the intrenchments, from which they were as often driven back. The center column, more lucky, after two or three repulses, effected a lodgment in one of the bastions, which, in spite of every effort to dislodge them, they held till near morning, when they fled, frightened by the explosion of a quantity of cartridges, which they took for a mine. In this disastrous affair the British lost 962 men. The American loss was but 84. Drummond, however, undiscouraged, still kept up the siege.

July 31. Chauncey, meanwhile, by the completion of his new

ships, had gained the command of Lake Ontario. His fleet consisted of the Superior 62, Mohawk 42, four sloops-of-war, and two smaller vessels, the original schooners being laid aside, and, soon after, the Oneida also, as unable to keep up with the rest of the fleet. Yeo was blockaded in Kingston, where he had a ship of 100 guns on the stocks. Though it was now too late to carry out Brown's schemes, Izard was ordered to Sackett's Harbor with the flower of his troops, some 4000 out of 7000 men, to be ready to co-operate, should occasion occur—a march which he very reluctantly undertook. Aug. 12. Aug. 29.

Almost simultaneously with Brown's invasion of Canada, the president had issued a circular letter to the states, to detach and hold ready for instant service their quotas of 93,500 militia—a kind of call for which, on all former occasions, an act of Congress had been thought necessary, but which the president now made on his own responsibility, alarmed by repeated information of ships and troops collecting at Bermuda for an attack, of which sometimes New York, and sometimes the Chesapeake, if not, indeed, Washington itself, was named as the object. A tenth military district was also erected, including Maryland, the District of Columbia, and Virginia north of the Rappahannock, the command of which was given to General Winder, lately released by exchange. July 4.

Meanwhile, the sea-coast states and cities, sharing in the president's alarm, began to take measures for their own defense. Governor Barbour garrisoned Norfolk with militia from the back country. Governor Winder called out several thousand militia for the defense of Maryland, especially of Baltimore, where the citizens were busy in throwing up intrenchments. The town of Providence voted $20,000 for fortifications. The Portland ship-

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masters organized themselves into a company of sea fencibles. The British having taken possession of Eastport, on the extreme eastern frontier of Maine, with a declaration, however, that they only intended to occupy the islands of Passamaquoddy Bay, upon one of which Eastport stood, and the title to which, under the treaty of 1783, still remained an unsettled point, Dearborn, in command at Boston, made a call on the governor for 1100 men, as a part of the quota assigned to Massachusetts by the president's late proclamation; and as the forts in Boston harbor had but few regulars in them, the men were furnished, without stopping to discuss the question of the right of command.

1814. July 14. July 18.

The greater part of the gun-boats had been concentrated in four principal squadrons, at New York, in the Delaware, in the Chesapeake, and at Charleston. The squadron in the Chesapeake, under the late act for appointing flotilla officers, had been placed under the command of that same Joshua Barney, who had made himself, in John Adams's time, so conspicuous as a partisan of France, and the commander of two French frigates. Barney was already blocked up in the Patuxent, where he succeeded, however, by the help of the militia, in repelling one or two attacks. The only exploit of the New York flotilla, which had also the defense of Long Island Sound, seems to have been the exchange of some shots, at a respectful distance, with the English blockading vessels off New London. Those vessels presently increased the alarm on the coast by bombarding Stonington, though without much effect. Not placing much reliance on this gun-boat squadron, the Common Council of the city of New York issued an exhortation to the citizens to postpone discussions as to the origin and conduct of the war, and to unite in measures of defense. This call was seconded by a public meeting, addressed

Aug. 10.

by the now venerable Willett, and in which Wolcott and many other Federalists took part. New works were planned; the Tammany Society, the Free-masons, and other associations, set the example of giving a day's labor gratis, and the Common Council agreed to advance means to support a garrison of 3000 militia. 1814. Aug. 11.

The forces assigned to Winder, on taking the command of his new military district, were some fragments of regulars, less than 500, mostly raw recruits in and about Washington, including the garrison of the fort of that name below Alexandria; the militia of the District of Columbia, some 2000 strong; and an authority, in case of actual or menaced invasion, to call upon the State of Maryland for 6000 militia, the whole of her lately-assigned quota, upon Virginia for 2000, and upon Pennsylvania for 5000. Winder proposed to call out at once a part of this militia, and to place them in a central camp, whence they might march to Washington, Annapolis, or Baltimore, either of which might be approached so near by water as to be liable to be struck at before a force could be collected. The president seemed inclined to this plan, but it was opposed by Armstrong, who objected to it that militia were always the most effective when first called out. Baltimore, he thought, could defend itself; Washington he did not believe would be attacked. Calls for militia were freely made to garrison Buffalo and Sackett's Harbor, and thereby to sustain Brown's invasion of Canada, but Armstrong hesitated at the additional expense of the calls proposed by Winder; and, in the existing state of the finances, not without reason. Of the loan of twenty-five millions, sole resource for conducting the campaign, the government had yet asked for but ten millions. This amount had been subscribed at the former rate of 88 per cent., not without difficulty, and a condition as to half of it, that the con- July 9.

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tractors should participate in any more favorable terms granted to any future lenders. Even on these terms there had been failures of payment by the contractors to the extent of two millions, so that Armstrong's hesitation on the score of expense is not so remarkable. Winder, being thus left to his own responsibility, and cautioned besides to avoid unnecessary calls for militia, of course made none till the emergency became unquestionable. Nor was this reluctance of Armstrong the only difficulty. The Governor of Maryland, on receiving the president's proclamation, hesitated, at this moment of danger, to ask volunteers from the eastern shore. He doubted if, under the militia law of the state, a draft would be effectual, and the War Department finally agreed to accept, in lieu of the quota to be detached by Maryland, the troops already called out by the state authority for the defense of Baltimore, thus reducing the quota of that state to less than 3000 men. The Governor of Virginia had already ordered twenty regiments of militia to hold themselves in constant readiness for the field, and a correspondence backward and forward, as to whether these orders did not substantially meet the proclamation, consumed the time which ought to have been employed in having the quota ready to march. The Legislature of Pennsylvania, at their last session, had passed an act for the reorganization of the militia, which vacated all existing commissions after the 1st of August, but, strange to say, without any provision for completing the proposed reorganization before the end of October; thus leaving the state for two months without any legal militia at all, and rendering it impossible to make the detachment which the president had ordered.

So things stood when news reached Washington that

Aug. 18.

a new and large British fleet had arrived in the Chesa-

peake. This was Cochrane, from Bermuda, with General Ross on board, and a division, some 4000 strong, of Wellington's late army. To this fleet Cockburn's blockading squadron soon joined itself, adding to Ross's force a thousand marines, and a hundred armed and disciplined negroes, deserters from the plantations bordering on the Chesapeake. As the ships passed the Potomac, some of the frigates entered that river, but the main fleet, some sixty vessels in all, stood on for the Patuxent, which they ascended to Benedict, where the frith begins to narrow. There, some fifty miles from Washington, the troops were landed without a sign of opposition, though there were several detachments of Maryland militia, under state orders, at points not far distant. As Ross had no horses, his men, some 4500 in all, were organized into a light infantry corps. Three pieces of light artillery were dragged along by a hundred sailors. As many more transported munitions. The soldiers carried at their backs eighty rounds of ammunition and three days' provisions.

Aug. 18.

August, 19-20.

Enervated as the troops had been by the close confinement of the voyage, and wilting under the burning sun of that season, it was with difficulty, at first, that they staggered along. Nothing but the constant efforts of their officers prevented them from dissolving into a long train of stragglers. The felling of a few trees, where the road crossed the frequent streams and swamps, would have seriously delayed, if not effectually have stopped them. But in that part of Maryland, a level region of corn-fields and pine forests, the slave population exceeded the whites, and the frightened planters thought of little except to save their own throats from insurgent knives, and their human property from English seduction. In the slaves the British had good friends, and

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sure means of information. With the trained negroes in front, they advanced cautiously, the first day only six miles, but still without encountering the slightest opposition, feeling their way up the left bank of the Patuxent—a route which threatened Barney's squadron in front, Alexandria and Washington on the left, and Annapolis and Baltimore on the right. Cockburn accompanied the army, and from his dashing, bucaneering spirit, and long experience in that neighborhood, became the soul of the enterprise.

Aug. 20.

At the first alarm of the appearance of the British fleet, Winder had sent off his requisitions for militia; but, even had the quotas of Virginia and Pennsylvania been embodied and ready to march, and had the swiftest expresses been employed instead of the slow course of the mail, it was already too late for effectual aid from that quarter. The District militia, summoned to arms, marched to a point some eight miles east of Washington, where they were joined by the regulars, who fell back from a more advanced position which they had occupied for some time at Marlborough.

Aug. 20.

Aug. 22.

As the British column, on the third day of its uninterrupted advance, approached Barney's flotilla, the boats, agreeably to an order from Armstrong, were blown up, Barney himself hastening with his men, some 500 in number, to Winder's camp, where some pieces of heavy artillery from the navy yard were placed under his command. That camp presented a scene of noise and confusion more like a race-course or a fair than the gathering of an army about to fight for the national capital. About midnight, the president, with Armstrong, Jones, of the Navy department, and Rush, the Attorney General, arrived. Monroe was there already; Campbell, the Secretary of the Treasury, was busy with contrivances

for replenishing the exhausted finances, proposals having been made out that very day for a loan of six millions, of the getting of which there was, however, but very little prospect.

The president, full of doubts and alarms, and disturbed by a thousand contradictory rumors, reviewed, the next morning, an army of some 3200 men, with seventeen pieces of artillery, but as doubtful, hesitating, and consciously incapable as himself. Shortly after, Winder departed to reconnoiter; from the length of his absence, it was feared that he had fallen into the hands of the enemy, but, toward evening, he returned, and, dreading a night attack, which was probable, as the British, now but a few miles off, had struck into the Alexandria road, as if to gain his right, he ordered a retreat. This was made in great haste and disorder, by the bridges over the Eastern Branch, his troops encamping near the navy yard, where they received the alarming news that the enemy's ships in the Potomac had already passed the shoals by which their ascent had been stopped the year before. That same night some 600 Virginia militia reached Washington, but without arms or accouterments, which Armstrong told the commanding officer it would be time enough to serve out the next morning. About 450 other Virginia militia, stationed on the Maryland side of the Potomac, opposite Alexandria, as a covering party for Fort Washington, remained there, distracted by contradictory orders, and taking no part in the general movement.

Aug. 23.

Meanwhile another force had mustered for the defence of the capital. Stansbury's brigade of Maryland drafted militia, 1400 strong, marching from the neighborhood of Baltimore, had encamped the previous evening, just in advance of Bladensburg, six miles north of Washing-

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ton; and the next day, while the president was reviewing the District army, they were joined by a regiment esteemed the flower of the Baltimore city militia, by
Aug. 23. some companies of artillery, and by a battalion of city riflemen, led by Pinkney, the late embassador at London. This Maryland army amounted to some 2100 men; but the city part, that most relied upon, had little experience in field service, having suddenly changed the comforts of their homes for the bare ground and rations of bad salt beef and musty flour, which they did not even know how to cook. Stansbury's forces had already
Aug. 24. once turned out on a false alarm, when, about two in the morning, he received information from Winder of his retreat, and orders to fight, should the enemy, as was probable, approach Washington in that direction. A council of war, immediately summoned, not pleased with the idea of being thus put forward to encounter 10,000 British veterans—for to that number report had by this time swelled the enemy—resolved to retire over Bladensburg bridge; and, but for new orders from Winder to stop, and, if the enemy approached by Bladensburg, to fight, the retreat, it is probable, would have continued to Washington.

In the morning, Winder still remaining uncertain what direction the British might take, the president repaired to the navy yard, where a consultation was had as to the best means of destroying the public property there. Monroe and Rush spent the forenoon in riding to and fro between Washington and Bladensburg. Armstrong remained quietly at the War Office, not even yet able to believe that the enemy would venture an attack. But, toward noon, authentic information came that the British, who had encamped the previous night near the ground lately occupied by Winder, were marching on

Bladensburg. Winder thereupon put his forces in motion, except the newly-arrived Virginians left behind to complete their equipments, which a very careful clerk still delayed by scrupulously counting out their flints one by one. Barney was to have remained to superintend the blowing up of the bridges over the Eastern Branch, but his remonstrances finally extorted from the president, after a consultation with the heads of departments, all of whom were present on horseback, liberty to march with his guns for the field. CHAPTER XXVIII. 1814.

Campbell moodily retired, having first lent the president his dueling pistols—the same, probably, with which, a few years before, in a political quarrel about the embargo, he had shot Gardinier through the body on the very ground of the approaching battle. With the provision of ways and means on his hands, he had, indeed, a sufficiently arduous task of his own, without aiding in military movements. Armstrong, by permission of the president, on Campbell's suggestion that his military knowledge might be of use there, had already ridden to the field. The president, Monroe, and Rush, who soon followed, were prevented only by an accidental piece of information from riding straight into Bladensburg, where the enemy had already arrived. The president, on reaching the field, revoking the permission lately given, directed Armstrong to leave to the commanding general the array of the battle.

The Eastern Branch of the Potomac, deep enough opposite Washington to float a frigate, dwindles at Bladensburg to a shallow stream. The few houses occupy the eastern bank. Stansbury, abandoning the village and the bridge, had posted his men on an eminence on the Washington side of the river, with his right on the Washington road, in which were planted two pieces of

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artillery, to sweep the bridge. Pinkney's riflemen lined the bushes which skirted the river bank. The Baltimore regiment had been originally posted nearest the bridge, but, by Monroe's orders, who rode up just before the battle began, they were thrown back behind an orchard, leaving Stansbury's drafted men to stand the first brunt of attack. As Winder reached the front, other military amateurs were busy in giving their advice, the enemy's column just then beginning to show itself on the opposite bank. Another Maryland regiment, which had marched that morning from Annapolis, but by a route which avoided the British army, appeared just at this moment on the field, and occupied a commanding eminence. The forces from Washington, as they arrived, were drawn up in the rear of the Maryland line. Barney, with his sailors, and Miller, of the marines, arrived last, and planted four heavy guns in a position to sweep the road, with the advantage, also, of being flanked by the Annapolis regiment.

The British soldiers, by the time they reached Bladensburg, were almost ready to drop, so excessive was the heat; and so formidable was the appearance of the American army, that Ross and his officers, reconnoitering from one of the highest houses of the village, were not a little uneasy as to the result. But it was now too late to hesitate. The British column, again in motion after a momentary check, dashed across the bridge. Some discharges of Congreve rockets put the Maryland drafted militia to flight. They were followed by the riflemen, Pinkney getting a broken arm in the tumult, and by the artillerymen, whose pieces had scarcely been twice discharged; and as the British came up, the Baltimore regiment fled also, sweeping off with them the general, the president, and the cabinet officers. Encour-

aged by this easy victory, the enemy pushed rapidly forward, till Barney's artillery opened upon them with severe effect. After several vain efforts, during which many fell, to advance in face of this fire, advantage was taken of the shelter of a ravine to file off by the right and left. Those who emerged on the left encountered the Annapolis regiment, which fled after a single fire. Those on the right fell in with some detachments of regulars, forming an advanced portion of the second line. They retired with equal promptitude, as did the militia behind them; and the enemy having thus gained both flanks, the sailors and marines were obliged to fly, leaving their guns and their wounded commanders in the enemy's hands.

Such was the famous battle of Bladensburg, in which very few Americans had the honor to be either killed or wounded, not more than fifty in all; and yet, according to the evidence subsequently given before a congressional committee of investigation, everybody behaved with wonderful courage and coolness, and nobody retired except by orders or for want of orders. The British loss was a good deal larger, principally in the attack on the sailors and marines. Several had dropped dead with heat and fatigue; and the whole force was so completely exhausted that it was necessary to allow them some hours' rest before advancing on Washington.

The Maryland militia, as they fled, dispersed in every direction, and soon ceased to exist as an embodied force. The District militia kept more together; the Virginians had at last obtained their flints; and Winder had still at his command some 2000 men and several pieces of artillery. Two miles from Washington a momentary stand was made; but the retreating troops soon fell back to the Capitol. Armstrong wished to occupy the two mass-

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ive, detached wings of that building (the central rotunda and porticoes having not then been built), and to play the part of the British in Chew's house at the battle of Germantown. But, if able to withstand an assault, how long could they hold out without provisions or water? It was finally decided to abandon Washington, and to rally on the heights of Georgetown. Simultaneously with this abandonment of their homes by an army that retired but did not rally, fire was put at the navy yard to a frigate on the stocks, to a sloop-of-war lately launched, and to several magazines of stores and provisions, for the destruction of which ample preparations had been made; and by the light of this fire, made lurid by a sudden thunder-gust, Ross, toward evening, advanced into Washington, then a straggling village of some 8000 people, but, for the moment, almost deserted by the male part of the white inhabitants.

From Gallatin's late residence, one of the first considerable houses which the British column passed, a shot was fired which killed Ross's horse, and which was instantly revenged by putting fire to the house. After three or four British volleys at the Capitol, the two detached wings were set on fire. The massive walls defied the flames, but all the interior was destroyed, with many valuable papers, and the library of Congress—a piece of Vandalism, alleged to be in revenge for the burning of the Parliament House at York. An encampment was formed on Capitol Hill; but, meanwhile, a detachment marched along Pennsylvania Avenue to the president's house, of which the great hall had been converted into a military magazine, and before which some cannon had been placed. These cannon, however, had been carried off, and Mrs. Madison, having first stripped from its frame and provided for the safety of a valuable portrait

of Washington, which ornamented the principal room, had also fled, with her plate and valuables, loaded into a cart, obtained not without difficulty.

The president's house, and the offices of the Treasury and State Departments near by, were set on fire, Ross and Cockburn, who had forced themselves as unbidden guests upon a neighboring boarding-house woman, supping by the light of the blazing buildings. By the precaution of Monroe, the most valuable papers of the State Department had been previously removed; yet here, too, some important records were destroyed. The next morning the War Office was burned. The office Aug. 25 of the National Intelligencer was ransacked, and the types thrown into the street, Cockburn himself presiding with gusto over this operation, thus revenging himself for the severe strictures of that journal on his proceedings in the Chesapeake. The arsenal at Greenleaf's Point was also fired, as were some rope-walks near by. Several private houses were burned, and some private warehouses broken open and plundered; but, in general, private property was respected, the plundering being less on the part of the British soldiers than of the low inhabitants, black and white, who took advantage of the terror and confusion to help themselves. The only public building that escaped was the General Post-office and Patent Office, both under the same roof, of which the burning was delayed by the entreaties and remonstrances of the superintendent, and finally prevented by a tremendous tornado, which passed over the city, and, for a while, completely dispersed the British column, the soldiers seeking refuge where they could, and several being buried in the ruins of the falling buildings. A still more serious accident at Greenleaf's Point, where near a hundred British soldiers were killed or wounded

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by an accidental explosion, added to the anxiety of the British commander, otherwise ill enough at ease. He naturally imagined, though, as it happened, without any occasion for it, that an army of indignant citizen-soldiers was mustering on the heights of Georgetown. An attack was also apprehended from the south, to guard against which the Washington end of the Potomac bridge was set on fire by the British, while at the same moment a like precaution was taken at the Alexandria end to keep them from crossing. No news came of the British ships in the Potomac, which Ross anxiously expected; and that same night, leaving his severely wounded behind, and his camp-fires burning, he silently retired, and, after a four days' uninterrupted march, arrived again at Benedict, where the troops were re-embarked, diminished, however, by a loss in killed, wounded, and deserters, of several hundred men. Yet while Ross, on his part, thus stealthily withdrew, so great was the terror which he left behind him, that some sixty British invalids, left in charge of the wounded, continued in un-

Aug. 26. disturbed possession of Capitol Hill for more than twenty-four hours after his departure, till at last the citizens mustered courage to disarm them.

Aug. 27. Two days after Ross had evacuated the city, the British frigates, slowly sounding their way up the Potomac, arrived at Fort Washington. That fort, in spite of Winder's repeated warnings to Armstrong, was in a very unprovided state, and it was abandoned by the garrison after a short cannonade, during which their magazine was blown up. Boats were sent forward to sound and

Aug. 29 mark out the channel, and the same day that Ross's returning army reached Benedict, the British frigates anchored before Alexandria, which surrendered at discretion, yielding up, as spoils and a ransom, twenty-one

merchant vessels, 16,000 barrels of flour, 1000 hogsheads of tobacco, and a quantity of cotton and other merchandise. Their object thus accomplished the British frigates, with their captured vessels laden with the plunder of Alexandria, notwithstanding the efforts of Rodgers, Perry, and Porter, now without other naval employment, to harass them by means of barges, fire-ships, and cannon planted on the bank of the river, succeeded, by the exercise of skill and courage, in reaching the Chesapeake without loss. CHAPTER XXVIII. 1814. Sept. 8-9.

Armstrong had sought refuge, after the flight from Bladensburg, in a Maryland farm-house. The president crossing the Potomac, found himself amid a population from the first hostile to the war, and whose terror at the British invasion was exaggerated to the highest degree by reports of slave insurrection. Here he spent two days and three nights of mortification, alarm, and sometimes of insults, from which even Mrs. Madison, who had joined him, did not wholly escape. He and Armstrong returned to Washington together; but their reception there was very different. As if in conformity to the courtly maxim that the king can do no wrong, Madison was suffered to escape without censure. The whole responsibility and blame were concentrated on Armstrong. It was even said that he had purposely allowed Washington to be taken, in hopes of the removal of the seat of government. The officers of the District militia, more prompt to bully the president than to fight the British, refused to obey any further orders coming through Armstrong as secretary, while a committee of the late refugee citizens waited on the president, to demand his instant dismission. Madison and Monroe were but too glad to make a scape-goat for the sins of the administration of one whom they feared and distrusted as a political rival. Aug. 27. Feb. 29.

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Madison suggested to Armstrong a temporary withdrawal to Baltimore, and from that city the indignant secretary announced his resignation, in a letter sent to a Sept. 3. Federal newspaper, in which he charged the president with having disgracefully yielded to the "humors of a village mob, stimulated by faction and led by folly." In filling up the vacant office, the same jealousy was evinced of new admissions to the cabinet which had left Gallatin's place so long empty. Monroe, whose place, indeed, of Secretary of State, was at this moment little more than a sinecure, was appointed to discharge its duties. The issue of a proclamation for the speedy meeting of Congress, was among the first steps taken after the return to Washington.

While these operations were going on in the Chesapeake, a British squadron, with a small land force on board, sailed from the lately occupied Eastport against Machias, the nearest considerable American town. The Adams sloop-of-war, returning from her cruise in the British seas, in running the gauntlet of the British blockade, had struck upon a rock off the coast of Maine, and had been obliged to seek refuge in the Penobscot. Informed of this circumstance, the expedition from Eastport, pass-
Sept. 1. ing Machias for the present, appeared before Castine, on Penobscot Bay, which, as well as Belfast, on the opposite shore, easily fell into their hands. Thence, with a sloop-of-war, some smaller vessels, and seven hundred men, the British pushed up to Hampden, where the Adams had taken refuge. Though the country in that neighborhood was as yet little settled, Morris, who commanded the Adams, had succeeded in getting the aid of some three or four hundred militia, and, having landed some of his guns, he hoped yet to defend the ship. But

the militia fled at the first attack, and Morris was obliged to follow, though not till he had set the ship on fire. CHAPTER XXVIII.

Leaving a garrison in Castine, the British, after destroying all the vessels they could find, and issuing a proclamation claiming to take possession of all the country east of the Penobscot, proceeded against Machias, which also surrendered. The island of Nantucket had already found it necessary to stipulate for neutrality during the war. Brewster and Eastham, on Cape Cod, were obliged to pay heavy ransoms to save their salt-works from destruction. The fishery, except the taking of fish to be used fresh, was entirely suppressed. Maritime commerce being annihilated, orders were issued to extinguish the lights, only useful now to the British cruisers. 1814. Sept. 9. Aug. 31

A dispatch addressed to the president by Admiral Cochrane, dated on the day of his arrival off the Potomac, but not received till after the capture of Washington, in which he declared it to be his intention to destroy and lay waste such towns on the sea-coast as might be found assailable, tended not a little to increase the excitement produced by the foray upon Washington and Alexandria, and the simultaneous invasion of Massachusetts. At Baltimore, where an attack was daily expected, all were busy with military drills, and new fortifications, upon which the free colored people were obliged to labor. Senator Smith, as major general of the militia, assumed the command. The Legislatures of Rhode Island, New York, Virginia, and Georgia were hastily convoked. The Rhode Island Legislature voted $100,000 for defense, and for raising a state force of 500 men; they also proposed to Massachusetts and Connecticut a mutual interchange of militia aids. The city councils of New York and Philadelphia agreed to advance, the one a million, the other three hundred thousand dol-

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lars, for works of defense. Public meetings, with similar objects in view, were held in Boston, and all the other sea-port towns. Instead of 5000 militia, called for by Dearborn, Strong called out twice that number; but he retained the command in his own hands. Extensive field-works were thrown up for the protection of Portland and Boston, multitudes volunteering their labor, many of the leading Federalists setting the example of working in the trenches with their own hands. Strong lent Bainbridge some thirty-two pounders to mount on board the Independence, which had no guns of her own; and that ship, with the Constitution, was moored across the approach to the inner harbor of Boston, while all the neighboring heights were crowned with field-works and garrisoned with militia.

That same authority which Strong assumed was voluntarily yielded to Tompkins, who was appointed to supersede Lewis in the command of the third military district. By his exertions near 40,000 militia were brought into the field, not for the defense of the city of New York only, but of Plattsburg, Sackett's Harbor, and Buffalo, all of which had been successively stripped of their garrisons of regulars by the movements against Canada. Tompkins was not only obliged to raise the men, but money also to support and pay them, for which he deeply pledged his own personal credit, receiving encouragement and aid from Rufus King, from Wolcott, president of the Bank of America, and from other leading Federalists. Nor were his efforts limited to the defense of New York; in the bankrupt condition of the national treasury, he had to advance money to keep the cadets at West Point from starving, to sustain the recruiting service in Connecticut, and to pay the workmen employed in the manufactory of arms at Springfield.

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Within less than a fortnight after the re-embarkation of Ross's army, the British fleet, spreading vast alarm as it ascended the Chesapeake, appeared off the Patapsco. A landing was effected the next day at North Point, on the northern shore of that estuary, some eight miles up which was Fort M'Henry, an open work only two miles from Baltimore, commanding the entrance into the harbor, which found, however, its most effectual protection in the shallowness of the water. The defense of the city rested with some 10,000 militia, including the city regiments, and several companies of volunteers from the neighboring counties of Pennsylvania. A corps 3000 strong had been thrown forward toward North Point, and as Ross and Cockburn, at the head of a reconnoitering party, approached the outposts of this advanced division, a skirmish ensued, in which Ross was killed. But the enemy's main body coming up, after an action of some spirit, they drove the advanced militia from the ground, with a loss on either side of between two and three hundred. Sept. 12.

The British slept on the field, and, the next day, approached the city, which presented, however, a formidable appearance, the neighboring heights crowned by field-works, artillery, and masses of troops. The fleet, meanwhile, opened a tremendous cannonade on Fort McHenry; but, owing either to the shallowness of the water, or out of apprehension of damage to themselves, at such a distance as to render their fire ineffectual. It was under the excitement of this cannonade that the popular song of the "Star Spangled Banner" was composed, the author being then on board the British fleet, whither he had gone to solicit the release of certain prisoners, and where he was detained pending the attack. An attempt was also made to land in boats, but that too failed; and that Sept. 13.

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same night, the bombardment being still kept up, the British army, covered by rain and darkness, retired silently to their ships and re-embarked.

Meanwhile the British force in Canada, so very small during the first two years of the war, had been largely increased by arrivals from Europe; and while Izard, with the flower of his army, was drawn off toward Sackett's

Sept. 1. Harbor, Prevost advanced across the frontier toward Plattsburg with a formidable force of 12,000 veteran troops. M'Donough's squadron, equipped at last, had hastened to anchor in Plattsburg Bay. It consisted of the ship Saratoga, of 26 guns, the brig Eagle, of 20 guns, the schooner Ticonderoga, of 17 guns, and the sloop Preble, of 7 guns, with 10 gun-boats. The whole fleet mounted 86 heavy guns, and was manned by 850 men. To the calls of Macomb, left at Plattsburg with 3000 men, including all Izard's invalids, the militia of New-York and Vermont promptly responded; and to the number of 3000 or more, they continned to enter Platts-

Sept. 7. burg even after the appearance of the British army before it. Macomb was strongly intrenched behind the Saranac, a rapid, rocky, unfordable stream; and the British spent four days in erecting batteries and preparing for an assault; but, in reality, waiting for their fleet, which was not quite ready. Unless, indeed, they could command the water, it would be useless to attack Plattsburg, and impossible to advance to the head of the lake, the object of the expedition.

The British fleet, commanded by Captain Downie, consisted of a new ship of 37 guns, a new brig of 16, the two sloops captured from the Americans the year before, and mounting 11 guns each, besides 12 gun-boats; 95 heavy guns to the whole squadron, which was manned by 1000 seamen from Quebec. M'Donough's four larger

vessels lay anchored in a line across the harbor, with the gun-boats opposite the intervals, thus forming a second line. As this line of battle could not be turned, Downie was obliged to stand into the harbor bows on, which he did gallantly, reserving his fire till he could come to close action. But his largest vessel, on which he chiefly relied, suffered so severely that he was obliged to anchor at the distance of a quarter of a mile from the American ships. One of the British sloops, still standing on to gain a raking position, was so disabled that she drifted down on the American line, and was taken. In the course of an hour, the other sloop, driven from her berth, drifted ashore. On the other hand, the enemy's gun-boats drove the Preble from her anchorage, and then directed their guns on the Ticonderoga, which made, however, a spirited resistance. The main battle between the two larger vessels, on either side, was kept up with great spirit. Every gun of M'Donough's ship, on the side toward the enemy, being disabled, he resorted to the nautical maneuver of winding, thus bringing his other broadside to bear. Downie attempted the same thing, but failed; and, after an action of two hours and a quarter, he struck his flag, The brig held out some fifteen minutes longer, when she also struck. The gun-boats at first hauled down their flags, but presently made off and escaped, the men on board the American gun-boats being needed to keep the prizes from sinking. The American loss in killed and wounded was 112; that of the British squadron was never officially reported, but no doubt exceeded McDonough's.

1814. Sept. 11.

Simultaneously with this decisive naval battle, the British army advanced upon Macomb's position. While a show of attack was made in front, a column was sent to ford the river above; but, for want of good guides,

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before the ford could be found, the naval battle was over. The attack was then abandoned, and that very evening, under cover of a storm, the British retreated in disorderly haste, leaving their sick and wounded behind, with a part of their baggage and stores—a striking proof that, even to disciplined and veteran armies, the invasion of a foreign and hostile country is liable to be attended with sudden panics, and often with causeless alarms.

Izard, whose absence from Plattsburg had left to Macomb the glory of repelling Prevost, received, on ar-

Sept. 16. riving with his troops at Sackett's Harbor, pressing letters for aid from Brown, who, having recovered from his wounds, had reassumed the command of Fort Erie. Chauncey's fleet, now in command of Lake Ontario,

Sept. 20. transported Izard to the mouth of the Genesee, the next nearest harbor to Buffalo, Fort Niagara being still in the hands of the enemy; but it was five days before he could procure wagons for his baggage, and, before arriving at Batavia, news reached him that his assistance was no longer needed.

The British works, in spite of perpetual rains, advancing rapidly, the adventurous and intrepid Brown, short of provisions and doubtful of aid, had resolved to try the effect of a sortie. The American columns, issuing at noon-

Sept. 17. day, completely surprised the British batteries, some two miles in advance of their camp, and guarded by a third part of their force. Before the rest of the army could come up, the magazines were exploded, and the guns rendered useless; after which the troops were not less skillfully withdrawn, carrying with them some 400 prisoners. Besides inflicting a loss on the enemy of nearly a thousand men, with a loss to himself of about half that number, this sortie completely effected Brown's ob-

ject. Drummond, as soon as he could move, raised the siege, and retired behind the Chippewa. CHAPTER XXVIII.

To these gallant repulses, serving, especially the triumph of Plattsburg and Brown's brilliant sortie, to salve the disgrace of the capture of Washington, another was added not less important, on the distant southwestern frontier. General Jackson, appointed to the command of the seventh military district, while still arranging the treaty with the conquered Creeks, had been alarmed by reports of succor and refuge given to the refugee Red Sticks by the Spaniards, and of a communication opened with them by a British vessel, which had landed arms and agents at Apalachicola. In consequence of his representations, orders had been sent to him to take possession of Pensacola; but, according to the usual promptitude of the War Department at that period, these orders were six months on their way; and meanwhile two British sloops of war, with two or three smaller vessels, arrived at Pensacola, and, giving themselves out as the van of a much larger force, had taken the liberty to land a small body of troops under Colonel Nichols, who began to draw around him, and to arm and train, the refugee Creeks. 1814. July. Aug. 1.

Within a few years past some French privateersmen, having lost their last harbor in the West Indies by the English conquest of Guadaloupe, had found a refuge and lurking-place in Barataria Bay, just west of the Mississippi. Since the peace in Europe they had adopted the flag of the new insurgent republic of Carthagena. They professed to cruise under that flag against the Spaniards, but like the old buccaneers, whom they so much resembled, they made very little discrimination in their captures. These semi-pirates found, however, a market at New Orleans for their plunder, which was smuggled in

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and sold at very low prices, and, as had happened in like cases a hundred years before, favor and connivance from the local authorities, notwithstanding some threats and attempts to break them up. To these marauders a mes-

Sept. 2. sage was sent by one of the British sloops-of-war at Pensacola, with offers to receive them into the English service, with rank and pay for the principal leaders, if they would join in an attack on New Orleans. But Lafitte, their chief leader, had a thorough hatred of the English. He temporized with them, but was much more disposed to engage on the American side; and he immediately made overtures, with that view, to Governor Claiborne.

Jackson, already at Mobile with three thin regiments of regulars, as soon as he heard of the British landing at

Aug. 27. Pensacola, sent dispatches to Tennessee, with urgent calls for militia; but long before they could arrive, the British advanced to the attack of Fort Bowyer, the possession of which would greatly facilitate their proposed operations against New Orleans. That fort, situate on the eastern point of the Bay, thirty miles distant from the town of Mobile, and commanding the approach to it, was held by

Sept. 15. 130 men of the second regiment, commanded by Major Lawrence. While the ships bombarded from the water side, a battery was opened in the rear by a party of soldiers, marines, and Indians, landed for that purpose; but so hot was the fire of the fort, that the enemy's leading ship, the Hermes sloop-of-war, took fire, and blew up, while the others were obliged to retire with heavy damage, and a loss, on the whole, of 232 men. The effect of this repulse on the population of Mississippi and Louisiana was very important; for it inspired some hope of defending New Orleans, left, like all the rest of the sea-coast, without garrison or fortifications, to rely on such extempore effort as the resident population and the militia within call might be able to make.

The information given by Lafitte to Claiborne of the British overtures to him, served to stimulate an expedition, some time on foot at New Orleans, for breaking up the establishment at Barataria. Commodore Patterson, who proceeded thither with the schooner Carolina and several gun-boats, captured ten vessels, mounting twenty pieces of cannon. The pirates, reported to be near a thousand in number, dispersed without any attempt at resistance. Oct. 16.

After the destruction of the Adams, the only two American national vessels remaining at sea were the new sloops the Peacock and the Wasp. The Peacock, after the capture of fourteen merchant vessels, succeeded in getting into New York. The Wasp, having refitted at L'Orient, again put to sea, and, three days out, engaged and captured the British sloop-of-war Avon; but, before taking possession of the prize, which sank soon after striking, she was driven off by the appearance of two more cruisers. She made three other prizes, and was last spoken by a Swedish vessel a little to the west of the Cape de Verd Islands. From that time she was never heard of; and, as she sank in unknown waters, the American flag ceased for a time to wave on the ocean from any national vessel. Even on Lake Ontario Chauncey's temporary ascendency was lost. Yeo having issued from Kingston with his new hundred gun ship, the St. Lawrence, itself more than a match for the whole American fleet, Chauncey was driven to take shelter in Sackett's Harbor. That place, with its dock-yards and a hundred gun ship on the stocks, held out a strong temptation to the enemy; and it required all the energy of Brown, again in command there, to put that place into a competent state of defense.

Oct. Sept. 1. Oct. 9. Oct 15

CHAPTER XXIX.

THIRD SESSION OF THE THIRTEENTH CONGRESS. STOPPAGE OF SPECIE PAYMENTS. BANKRUPTCY OF THE FEDERAL GOVERNMENT. FINANCIAL AND MILITARY PROJECTS. DEMANDS OF GREAT BRITAIN AS CONDITIONS OF PEACE. STATE LEGISLATION. HARTFORD CONVENTION. IZARD'S CAMPAIGN. JACKSON'S DEFENSE OF NEW ORLEANS. PEACE. CONCLUSION OF THE NAVAL WAR.

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WHAT had been for two years a war offensive on our part and defensive on the part of Great Britain, had now suddenly changed its character, becoming offensive on her part and defensive on ours. The inhabitants of the exposed maritime frontier, no longer placing the least reliance on the protecting care of the Federal government, were all up in arms, mustering and drilling, with 120,000 militia in the field. Portland, Boston, Providence, New Haven, New York, Baltimore (where a new attack was expected), Richmond, Norfolk, Charleston, Savannah, were all busy throwing up fortifications. The meeting

Sept. 19.

of Congress served to remind the country of what otherwise might have been forgotten—that a general government still existed, instituted, though at this moment not very able, to provide for the common defense.

The Patent Office, the sole remaining public building, had been hastily and scantily fitted up for the reception of the national Legislature. Some neighboring houses afforded narrow and inconvenient accommodations for the executive offices. In such uncomfortable quarters, the blackened ruins of the Capitol still smoking, the war

majority and the peace minority, almost ready to tear each other to pieces, again came together, to quarrel over the past, and to provide, as well as they could, for the future. 1814.

As if feeling at last the responsibility of his office, Madison hastened to urge on the stupefied majority the efforts and sacrifices now become necessary, not for the conquest of Canada or compulsion of Great Britain, things no longer thought of, but for the very defense of their own invaded firesides. "It is not to be disguised," so said the message, "that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it in the plunder and wanton destruction of private property. In his pride of maritime dominion and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and its worst forms may be looked for. The American people will face it with the undaunted spirit which in our Revolutionary struggle defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the national Legislature will not distrust the heroic and enlightened patriotism of its

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constituents. They will cheerfully and proudly bear every burden of every kind which the safety and honor of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld." Of peace there seemed no prospect. At the last accounts, so the message stated, though the American commissioners had long been impatiently waiting at Ghent, nobody had yet arrived from Great Britain to treat with them.

Sept. 23

The exhibition made by Campbell of the state of the treasury was deplorable. The late attempt to borrow six millions had produced offers for less than half that amount, and those at the rate of but 80 per cent. To accept those offers would render necessary an issue of additional stock to such subscribers to the preceding loan as had advanced their money under a proviso to be put on as good footing as any subsequent lenders. Yet Campbell had no choice, and, to obtain $2,500,000 in money, he had issued in stocks $4,266,000. There were eight millions of treasury notes outstanding, half of which would fall due in the next quarter, while there was very little prospect of supplying their place by new issues. The entire amount payable in the remainder of the year was not less than twenty-five millions, while the entire resources of the treasury, including the balance on hand and the balance of loans due, did not exceed nine millions, showing a deficit for the quarter of sixteen millions. The prospect for the next year was still more discouraging. The resources already provided, including the new taxes could not be expected to produce, owing to the total destruction of commerce, above eight

millions. The peace establishment and interest on the debt would require not less than thirteen millions, making five millions of new taxes necessary, even upon Gallatin's already exploded schemes of maintaining the war by borrowed money alone. While the treasury was thus empty, enormous expenses were running up for the immense numbers of militia on foot. The president's message had urged, indeed, as a principal topic, the necessity of providing some less costly and less burdensome instrument of defense, as well by filling up the ranks of the regular army, as by special corps of horse and foot, more permanent in their character than militia detachments. 1814.

An additional source of embarrassment was the wretched condition to which the currency had been reduced. The new banks established in Pennsylvania and elsewhere, many of them without capital, had taken advantage of the heavy expenditures of the war to get a large amount of notes into circulation. The loans to the government had been principally taken by the banks, and by the fall of stocks they were heavy losers. The almost total stop to the export trade had led to a constant drain of specie, in payment for the British goods which had continued all along to find their way into the country, since the repeal of the Non-importation Act, principally in ships under Swedish colors. Even Lake Champlain was navigated by a vessel under that flag. The banks of the District of Columbia had stopped payment simultaneously with the British invasion. As the panic spread, accompanied, as it was, by a run upon the banks of Baltimore, Philadelphia, and New York, they too had followed the example, which was speedily imitated everywhere out of New England. The government had some two millions and a half on deposit in these banks, but, Aug. 21.

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the want of specie funds, made it impossible to meet a large amount of dividends and treasury notes falling due at Boston, the Democratic State Bank declining, and being, indeed, unable to make the necessary advances.

Oct. 1.

The first subject that engaged the attention of the House, while waiting the action of its committees, was a project for removing the seat of government. The city of Philadelphia and the borough of Lancaster (which, having ceased to be the capital of Pennsylvania, was now anxious to become the capital of the Union) made very liberal offers. Vastly to the alarm of the inhabitants of the District, a resolution to remove was carried by the casting vote of the speaker, almost every other Southern member voting on the other side. A bill for a temporary removal was ordered to be brought in; but, by the utmost efforts of the Virginia interest, this project was presently crushed.

Oct. 3.

Campbell having resigned at the same time that he presented his report, a new Secretary of the Treasury had been appointed in the person of Alexander J. Dallas, whose opposition to Snyder had destroyed his once potent influence in Pennsylvania, but whose reputation for ability, seconded by a buoyant and self-reliant temper, made even the Pennsylvania senators, though his political enemies, ready, in the present discouraging state of affairs, to vote for his confirmation. Tompkins was at the same time rewarded for his zeal by the offer of a seat in the cabinet as Secretary of State, but he preferred to remain governor of New York, and military commander of that district.

To raise the prostrate credit of the government, and to provide means for immediate use, two schemes were proposed; one by the Committee of Ways and Means, at the head of which was Eppes; the other by the new Sec-

retary of the Treasury. Eppes proposed new taxes to the annual amount of eleven millions and a half, and, as an immediate resource, a new issue of treasury notes of small amounts, payable to bearer, transferable by delivery, receivable for taxes and public lands, fundable in eight per cent. stock at the pleasure of the holder, and redeemable by the government in specie or eight per cent. stock at any time after six months' notice. Dallas proposed an equal or greater amount of taxes, and as a means of providing a circulating medium and an immediate resource in the way of loans, a National Bank, with a capital of fifty millions, five in specie, the rest in government stock; the government to subscribe two fifths of the capital, and to have the appointment of the president and a third of the directors, and power, also, to authorize the suspension of specie payments; the bank to be obliged to loan the government thirty millions of dollars. This project of government banking and irredeemable paper money was frightful indeed to the few remaining old-fashioned Republicans, as well as to the Federalists; but, after a warm debate, the influence of the administration and dire necessity secured a vote for bringing in bills in conformity to Dallas's suggestions.

Oct. 11.

Oct. 17

Oct. 21.

Monroe, as Secretary of War, proposed the filling up the ranks of the existing army to the full amount of 62,448 men; also an additional regular force of 40,000 men, to be locally employed for the defense of the frontier and sea-coast; the whole to be raised by conscription or draft; the militia to be arranged into classes of twenty-five men, on the basis of equality of property in the classes, and each class to be required to furnish a man. Bills founded on these suggestions were brought in by Troup, chairman of the Military Committee.

Oct. 27.

Dispatches just received from Ghent, which, with the

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instructions to the commissioners, were laid before Congress, tended to give an impulse to these measures. Lord Gambier, Henry Goulburn, and William Adams, an admiralty lawyer, had at last made their appearance as commissioners on the part of Great Britain. Any disposition to acquire new territory was expressly disavowed by these commissioners; yet there was claimed, as indispensable to a treaty, a barrier to Canada, in the shape of a fixed and permanent territory, to be assigned to the Indian allies of Great Britain, the line of the treaty of Greenville of 1795 being suggested as a proper one. A claim was also put forward, by way of strengthening this barrier, to a renunciation, on the part of the United States, of the right to keep armed vessels or to establish military posts on the lakes; and, under the name of a revision of boundary, to that part of Maine intervening between New Brunswick and Canada—a claim serving to explain the recent occupation of the territory east of the Penobscot. It was also declared, as an inducement for yielding to this demand, that the right of fishing and curing fish on the shores of British America, granted by the treaty of 1783, was terminated by the war, and that it would not be renewed without some equivalent.

1814.

Aug. 8.

There were those who thought that peace would be cheaply purchased even on these terms; but, in general, they called out new exclamations against the encroaching spirit of Great Britain, and charges against her of continuing the war merely for conquest. The Legislature of New York resolved unanimously that the terms proposed were "extravagant and disgraceful," and they voted to furnish a permanent local force of 12,000 men, to be raised by classification of the militia, but to be clothed, fed, and paid by the United States. The Legis-

Oct 22.

lature of Virginia heightened the phraseology of the New York resolutions by pronouncing the demands of the British commissioners "arrogant and insulting." They too voted to raise a body of state troops, of the same character with those of New York. Nov. 29.

The policy had been adopted, first as to Virginia and then as to New York, of leaving local defense much to the discretion of their respective governors. A great and often very costly discretion had been allowed, indeed, to the Democratic governors generally. In New England, on the other hand, the general government had insisted upon the exclusive control of all military movements. Monroe, in an official letter to Strong, flatly refused to pay the expense of defending Massachusetts, because the militia called out for that purpose had not been placed under Dearborn's orders. Sept. 17. In Connecticut, also, pay and supplies had been refused to the militia, because the governor, instead of placing them under Brigadier-general Cushing, then in command of the third district, had called out a major general to command them, though they did not quite amount to 4000 men—the number arbitrarily fixed upon, without regard to the actual strength of divisions, either of regulars or militia, as alone justifying the detail of a militia major general.

This course of proceeding had not tended to diminish discontents. A report of a joint committee of the Massachusetts Legislature, of which Otis was chairman, distinctly stated that, in the position in which that state stood, no choice was left her between submission to the enemy, which was not to be thought of, and the appropriation to her own defense of those revenues derived from her people, but which the general government had hitherto thought proper to expend elsewhere. Oct. 8. The idea of a convention of the discontented states was also re-

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vived. The Constitution of the United States, under the administration of those now in power, had failed, so this report stated, to secure to Massachusetts, and to New England generally, those equal rights and benefits, the great objects of its formation, and which could not be relinquished without ruin. The method provided for in the Constitution itself, of procuring amendments, the probable necessity for which had been foreseen, was too slow of operation for the present crisis. The safety of the people—the supreme law—would well justify, in the present emergency, the holding of a new convention to modify or amend it. Nor was the expectation presumptuous that a spirit of equity and justice, enlightened by experience, would enable such a convention to reconcile conflicting interests, and, by obviating the principal cause of those dissensions, which unfitted the government alike for a state of peace and of war, to give vigor and duration to the Union. But as such a proposition, coming from a single state, might be disregarded, and as present dangers admitted of no delay, the committee recommended, in the first instance, the inviting of "a conference between those states, the affinity of whose interests is closest, and whose habits of intercourse, from local and other causes, are most frequent, to the end that, by a comparison of their sentiments and views, some mode of defense suited to the circumstances and exigencies of those states, and measures for accelerating the return of public prosperity, may be devised; and also to enable the delegates from those states, should they deem it expedient, to lay the foundation of a radical reform in the national compact by inviting to a future convention a deputation from all the states in the Union."

The amendment of the Constitution principally insist-

ed upon was a new basis of representation. The present basis, counting three-fifths of the slaves, had been adopted, it was said, under the idea that the slave states were more wealthy than the free states, and ought, on that account, to have a greater representation in proportion to the number of citizens. This supposition of superior wealth was, however, a mistake in fact. Had representation been based either upon property, or number of free inhabitants, or upon any uniform combination of both, this war, forced by the poor slaveholding agricultural states upon the rich, free, commercial states, would never have been declared. 1814.

This report was warmly opposed by the Democracts, headed by Levi Lincoln, Jr., who, according to a course of descent by no means uncommon in America, had now succeeded to his father's political leadership. The Democrats insisted that, however disguised, the obvious tendency, if not the real design of the proposed convention, was to prepare the way for a separation of the Union. In strange contrast to the times of '98, they quoted with unction Washington's Farewell Address, and eulogized the Federal Constitution as altogether beyond the reach of amendments—"the most perfect system of republican government which human wisdom could invent." Notwithstanding these objections, and in spite of formal protests by the minority, the report of the committee was adopted by a vote of three to one; and twelve delegates were appointed to the proposed convention, all men of high character, with Cabot and Otis at their head. Oct. 18.

A circular letter to the other New England states suggested as the first and most pressing object of the proposed convention, "to deliberate upon the danger to which the eastern section of the Union is exposed by the course of the war, and which, there is too much rea- Oct. 17.

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son to believe, will thicken round them in its progress, and to devise, if practicable, means of security and defense which may be consistent with the preservation of their resources from total ruin, and adapted to their local situation, and mutual relations and habits, and not repugnant to their obligations as members of the Union" —an object, it may be observed, for which, during the Revolutionary war, no less than four or five similar New England conventions had been held. It was suggested, as a secondary object, to inquire whether the interests of the New England States did not demand persevering efforts to procure such amendments of the Federal Constitution as might secure them "equal advantages;" and if it should seem impracticable to obtain such under the existing provisions for amendment, whether "it might not be beneficial to endeavor to obtain a convention from all the states of the Union, or of such as might approve the measure, with a view to obtain such amendments." "It can not be necessary," the circular added, "to anticipate objections to this measure which may arise from jealousy or fear. The Legislature is content, for its justification, to repose on the purity of its own motives, and upon the known attachment of its constituents to the national Union, and to the rights and independence of their country."

Oct. 14. The Legislature of Connecticut denounced the conscription system proposed by Monroe for filling the ranks of the regular army as unconstitutional, and intolerably barbarous and oppressive. Should such a law pass, they authorized the governor to call a special session of the Legislature to provide for the protection of the rights of the citizens. Of a House of 200, only 39 voted against this resolve. A committee, to which the Massachusetts circular was referred, laid down the doctrine, in a very

able report, that the securing of protection was the great end and object of every social compact. However, in a purely defensive war, the want of means might excuse, yet, "when a government hastily declares war without providing the indispensable means of conducting it, want of means is no apology for refusing protection. In such a case, the very declaration of war is of itself a breach of a sacred obligation, inasmuch as the loss of protection is the immediate and inevitable consequence of the measure. When the war annihilates the only revenue of the nation, the violation of the original contract is still more palpable. If waged for foreign conquest, and with the waste of the national treasures devoted to a fruitless invasion of the enemy's territory, the character of the act is more criminal, but not more clear." In accordance with the recommendation of this committee, the proposal of Massachusetts was acceded to, and seven delegates were appointed—the two late senators, Goodrich and Hillhouse, heading the list—to meet the delegates of the other New England states at Hartford, on the 15th of December, to deliberate on the subjects proposed, and any others that might come before them, "for the purpose of devising and recommending such measures for the safety and welfare of these states as may consist with our obligations as members of the national Union"—thus repeating the limitation expressed in the Massachusetts circular.

1814.

In the same tone was the report of a committee of the Rhode Island Assembly, whose former proposal of mutual aid by each other's militia had lately been accepted by Massachusetts and Connecticut. A resolution, though violently opposed, was carried, nearly two to one, to appoint four delegates to the proposed convention.

Nov. 5.

These proceedings in New England had occasioned

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great alarm at Washington, the more so, as Massachusetts had appropriated a million of dollars toward the support of a state army of 10,000 men, to relieve the militia in service, and to be, like them, under exclusive state control. Jefferson had long lived in terror, and Madison seems to have shared in his alarms, of some treasonable secret plot. First it was a plot of Hamilton's to make the Federal Constitution a stepping-stone to th establishment of a monarchy. Next, a plot of the Federal members of Congress, when it appeared that Jefferson and Burr had an equal number of votes, to prevent any decision between them, and to make Chief-justice Marshall president by act. Then came Burr's alleged conspiracy, in which Jefferson believed the Federalists to be deeply implicated, and to punish which he had been disposed to stretch the law of treason to very dangerous limits. Next followed John Quincy Adams's disclosures of an alleged project for separating New England from the Union—a story confirmed, as it was thought, by Henry's dearly-purchased revelations. This alarm had been renewed by the organization, among the Federalists, since the commencement of the war, of "Washington Benevolent Societies," nominally for charitable purposes, but believed to have some secret political aim.

The State Department had a mysterious correspondent, a pretended representative of the royal family of the Stuarts, and, as such, having certain claims to the soil of New York. Alleging himself to be in the confidence of Allen, late British consul at Boston, who had been ordered into a sort of parole confinement at Worcester, he pretended to have learned from him, or by access to his papers, the existence of a committee of New England Royalists, formed at Boston, with intent to establish the kingdom of New England, with the Duke of Kent, the Brit-

ish prince regent's brother, at its head! Graham, chief clerk of the State Department, sent to Boston to look for it, had not succeeded in finding this treasonable committee; but the present movement in New England revived all the terrors of the cabinet. In a cotemporary letter, Wirt thus described a call upon the president: "He looks miserably shattered and wobegone. In short, he looks heart-broken. His mind is full of the New England sedition. He introduced the subject, and continued to press it, painful as it obviously was to him. I denied the probability, or even the possibility, that the yeomanry of the North could be induced to place themselves under the protection of England, and diverted the conversation to another topic. But he took the first opportunity to return to it, and convinced me that his heart and mind were painfully full of the subject."

1814. Oct. 16.

Great expectations had been formed of what Izard would do after adding his picked corps to the garrison of Fort Erie. Having at length crossed the Niagara, he advanced with 6000 men against Drummond, who lay intrenched behind the Chippewa with about half that number. The armies faced each other for several weeks, and in a contest with a British detachment for the possession of a mill, Bissell's brigade had a decided advantage. But, upon the arrival of news that Chauncey was blockaded, thus leaving the enemy at liberty to reenforce Drummond at pleasure, Izard, much to the discontent of the more violent war men, who called loudly for more Chippewas and Bridgewaters, blew up Fort Erie, and recrossed to the American side. Fort Niagara, at the other end of the strait, and within the limits of the State of New York, quietly remained in the hands of the British. They continued also to hold, at least to

Oct. 11. Oct. 17. Nov.

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claim, the jurisdiction of all the territory east of the Penobscot; but as there were no British troops nor officers except at Castine and Eastport, and as the British proclamation had left the local laws in force, and had confirmed the local magistracies, the inhabitants, except in the two garrisoned towns, experienced no change (even a member of Congress being voted for as usual); except, indeed, in being delivered from war alarms, taxes, and militia drafts, and in the enjoyment of an access to markets and a freedom of trade the loss of which since the war had reduced them to the greatest distress.

The general government offered to undertake the reconquest of this territory—a hundred miles of sea-coast, full of harbors and inlets, with some 40,000 inhabitants, scattered in little towns on tide waters easily accessible to British ships—if Massachusetts would furnish, feed, and pay a corps of 5000 men, the expense to be reimbursed when the United States were able. But Strong regarded the idea of reconquest, unless with the aid of a superior naval force, as another specimen of the military folly of the administration, certain to end in repulse, and likely to expose the now comfortable inhabitants to the ravage and ruin of the Niagara frontier. Nor did the Federalists esteem as any thing less than a deliberate insult the selection of Dearborn, whether to superintend this expedition, or generally for the military command of the district—the mere tool, so they considered him, of the authorities at Washington, who, to secure offices and emoluments to himself and his connections, had unhesitatingly sacrificed the interests of his state, and who besides had once already been set aside for want of capacity.

In consequence of inquiries made in Congress as to relations with Spain, which the administration declared

to be friendly, and considering the inexpediency, just at this moment, of engaging in any new quarrel, orders had been dispatched to Jackson countermanding the authority heretofore sent to him to take possession of Pensacola. But Jackson, having been joined at Mobile by 3000 mounted Tennessee militia, under General Coffee, had ventured before this countermand arrived, indeed before receiving the original authority, though he had written three times pressing for orders, to act on his own responsibility. He entered the town of Pensacola without opposition, when Nichols, who had possession of the fort at the Barancas, seven miles below, blew it up and took to his ships, retiring to the Apalachicola, on the banks of which he soon built a strong fort, intended as a place of muster and refuge for the Indians. The British thus driven off, Jackson gave up Pensacola to the Spanish authorities. Already the report widely prevailed of a formidable British expedition directed against New Orleans, and Jackson hastened, by way of Mobile, to assume the command there in person, Coffee, with his mounted men, being directed to march for the Mississippi, and to encamp on the banks of that river, as near New Orleans as a supply of forage could be obtained.

1814. Oct. 21. Nov. 6.

Meanwhile the military and financial schemes of the administration made but very little progress. The Federalists remarked, with sarcastic bitterness, that while the government had been obliged to abandon, as appeared by their latest instructions to their commissioners, that claim to shelter British runaway sailors from impressment in behalf of which the war had been undertaken, they were now setting up as against their own citizens the exercise of that same power of impressment. So little support, indeed, did Monroe's scheme find even from the war men themselves, that it was tacitly dropped

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in favor of a rival plan, a modification, indeed, of the same idea, introduced by Giles, as chairman of the Military Committee of the Senate, for calling out 80,000 militia for a two years' term of service.

Nov. 5.

This bill, though vehemently denounced by Gore and King as an unconstitutional assumption of authority, converting the militia into a standing army, under the exclusive control of the general government, was carried through the Senate, 19 to 12; as was also another, authorizing the enlistment of minors, if over eighteen years of age, without the consent of their parents or masters—a scheme formerly rejected in consequence of the serious objections then urged to it, not only as cruel and demoralizing, but as interfering with the obligation of contracts, and the rights of fathers and masters to the services of their minor children and apprentices; objections which it was now attempted in part to obviate by giving to the masters of enlisted apprentices a share of the bounty. The land bounty was increased to 360 acres, and freedom from militia service during the war was promised to every person who would furnish a recruit.

Nov. 10.

Nov. 23

In the House, these bills were warmly opposed by Ward, Cyrus King, Webster, Grosvenor, and others. One objection urged to the enlistment of apprentices was, that the burden of it would fall exclusively on the North, the slaves, the only apprentices known at the South, being neither liable to enlistment nor to militia service; to which one of the Georgia representatives candidly replied, that one good Georgia "nigger" was, in his opinion, of more value than a dozen Yankees.

Lest the Federal governors might refuse to act, a clause was inserted into the drafting bill, authorizing the president to call directly on the officers of the militia; but on motion of Eppes, the term of service was reduced

to one year. Wright, of Maryland, and other vehement war men, were as zealous as the Federalists in their opposition, and various motions for a shorter time were made, with a view to defeat the bill. A motion by Webster to reduce it to six months failed by only two votes. It was attempted, on the other hand, to force it through by the previous question; but on this motion, several times repeated, the House divided equally, and the speaker, Cheves, gave his casting vote with the opposition. At last, however, the previous question prevailed, and the bill was carried by a majority of 12; but Dec. 9. the Senate refused to concur in the amendment reducing the service to one year. The House refused to recede; and, in consequence of this difference, persisted in with that very object in view, this odious, if not unconstitutional project, fell to the ground. To the bill for the enlistment of minors, the only means as yet provided for recruiting the army, the House added an amendment Dec. 28. allowing four days to such as enlisted to reflect upon the matter before taking the bounty and becoming absolutely bound.

While Monroe's scheme for a standing army of conscripts thus failed to be carried, Dallas's plan for supporting the war by means of a non-specie paying government bank had no better success. It found a zealous opponent in Calhoun, who proposed to furnish the government Nov. 16. with forty-five millions of dollars by means of a national specie-paying bank, wholly under private control, and not obliged to lend the government any thing. The capital of this bank was to consist of five millions of specie, and of forty-five millions of new treasury notes, which it was expected to get into circulation in consequence of their capacity of being converted into bank stock. This plausible scheme prevailed in the House by a great ma-

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jority; but Dallas, in a labored report, while he denied that new notes to any considerable amount could thus be circulated, dwelt also on the injustice and political danger of a scheme which would enable the Federal capitalists, who had hitherto held back, to obtain, to the exclusion of those good Democrats, holders of the existing government stocks, the entire control of a national bank five times as large as the old one. The Democratic party being thus divided, and the Federalists, who had supported Calhoun's scheme as against Dallas's, now joining with the Dallas men as against Calhoun, the bill fell to the ground.

1814. Nov. 27. Nov. 28.

The scheme of the cabinet was forthwith renewed in the Senate, where a bill was speedily passed for a non-specie paying bank on Dallas's plan. But Calhoun was not thus to be put down. This bill encountered in the House the most determined opposition, its friends and opposers assailing each other with no little fury; and after various amendments and reconsiderations, being at last brought back nearly to the shape in which it had passed the Senate, it was lost by the vote of Cheves, the speaker. Having voted first to make a tie, he then gave a second and casting vote, to defeat a measure, in his opinion, as dangerous and desperate as it was unexampled. On his suggestion that a better plan might be substituted, the vote of rejection was reconsidered, and a compromise scheme was then adopted, for a bank with thirty millions capital, five in specie, ten in stocks issued since the war begun, and fifteen in new treasury notes. But the great points of Calhoun's scheme were still preserved; the bank was not to be obliged to lend to the government, nor permitted to suspend specie payments. The Senate wished to substitute the great point of Dallas's plan, by vesting a power in the president to author

Dec. 9. 1815. Jan. 2. Jan. 6.

ize a suspension. But the House refused to agree to this; and the bill having finally passed without any such clause, it was vetoed by the president as inadequate to the emergency. Meanwhile, the treasury had no other resource but the continued issue of new treasury notes, reluctantly accepted by the more necessitous of the government creditors, and passing, in private transactions, at a discount of twenty-two per cent.

1815. Jan. 20.

The new tax bills, which included, among other things, an increase of postage, and duties upon paper cotton cloths, and other domestic manufactures, encountered a very violent opposition. The Committee of Ways and Means, it was remarked, was composed entirely of slaveholders, perhaps with a view to stave off any tax on that species of property. The manufacturers murmured loudly at duties prematurely, as they said, to be imposed upon them. Even the National Intelligencer, hitherto the unflinching advocate of every war measure, while inserting a communication against the increase of postage, as interfering with the diffusion of knowledge, could not restrain the remark that this was but a trifle compared with the paper duty, which would impose upon that establishment alone an annual tax of $600; a tax which would come directly out of the proprietors' pockets, since it would be impossible to add it to the price of the newspaper, and likely to lead to the total suppression of several of the most zealous Democratic journals.

These remonstrances were not without effect. The proposed tax on domestic cottons was dropped, and that on paper was reduced. Some other changes were made; but the chief recommendations of the committee were at length carried, one after another—a tax on carriages of from one to fifty dollars, according to value; twenty cents per gallon on distilled spirits, in addition to the ex-

1814. Dec. 15.

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isting license duty on stills; an addition of a hundred per cent. to the auction duties, and of half as much to postage; a direct tax of six millions (the District of Columbia, by a separate bill, being taxed $20,000); and the following duties on domestic manufactures, viz., iron castings, a dollar and a half; pig, rolled, and slit iron, a dollar per ton; nails and brads, a cent per pound; wax candles, five cents, other candles, three cents per pound; visiting and playing cards, fifty per cent. on the value; snuff and chewing tobacco, twenty per cent.; hats and caps of fur, felt, and straw (above the value of two dollars each), and umbrellas, eight per cent.; beer, ale, and porter, gold, silver, and plated ware, six per cent.; hides and skins, saddles and bridles, and boots and shoes (above the value of five dollars per pair), five per cent.; paper, three per cent. To these were added taxes of one dollar annually on all silver watches, of two dollars on all gold watches, and of one dollar on every household establishment the furniture of which was worth $400; this tax to increase with the value to $100 annually on household establishments worth $9000.

1814. Dec. 21.

1815. Jan. 9

Feb. 21.

1814. Dec. 1.

Additional dispatches arrived meanwhile from Ghent, but not of a very encouraging character. The British commissioners, after a good deal of discussion, had substantially withdrawn their first ultimatum, that of the assignment of an Indian barrier to Canada; but they seemed disposed to insist upon an equally objectionable substitute, that of retaining all American territory which might be held by British troops when the treaty was signed.

Nor were the results of the recent elections calculated to strengthen the administration. In South Carolina, where Williams, resigning his fruitless command in the army, had been elected governor, one Federalist and two

or three anti-war Democrats had been chosen to Congress. The Legislature of North Carolina had proved to be so equally divided, that the war men had found great difficulty in electing a governor, and in supplying the place of Stone, who, in disgust, had resigned his seat in the Senate. A Federal senator had been chosen in Maryland to supersede Smith. Personally this was not disagreeable to Madison, to whom Smith had long been a bitter enemy; indeed, the president had just mortified him by sending the youthful Scott to assume the military command at Baltimore, at which Smith had signified his discontent by throwing up his militia commission. Vengeance had also been taken on Lieb, another of that faction, by turning him out of the Philadelphia post-office, which had been given to Dallas's son-in-law. In New England the Federalists had carried every congressional district except three, in which there was yet no choice. Even sturdy Pennsylvania had so far given way that five Federalists had been elected to Congress, including three from the city of Philadelphia. But what inspired the most immediate alarm, and seemed to give peculiar propriety to the president's proclamation, issued at the request of both houses, for the observation of the twelfth of January as a day of humiliation, fasting, and prayer, was the assembly of the proposed New England Convention.

On the appointed day that assembly met at Hartford, Dec. 15. amid the loud execrations of the Democratic newspapers, echoing back from all parts of the country, in every varied tone of real apprehension and assumed bravado and unconcern, the originally New England charges of secret and treasonable designs against the integrity of the Union. New Hampshire and Vermont were unrepresented, except by three county delegates. The Vermont Federal-

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ists, with their slender majority, and the enthusiasm diffused through that state by the victory of Plattsburg, had hesitated at so decisive a step. Had Gilman desired to call the New Hampshire Legislature together for the appointment of delegates, his Democratic council would have stood in the way. Having organized by the appointment of George Cabot as president, and Theodore Dwight, a former member of Congress from Connecticut, at that time editor of the Hartford Union, as secretary, this dreaded convention, composed of twenty-six members, proceeded to deliberate with closed doors.

Major Jessup, a young Kentuckian, the same who had lately served with distinction under Brown, had been stationed with his regiment at Hartford, nominally in command of the recruiting station there, yet with other objects also in view. Backed by the Democracy of Connecticut, who included, as Jessup boasted, a decided predominance of the "fighting characters," and supported, if need were, by Governor Tompkins and the state troops of New York, this force would, it was hoped, suffice to suppress any sudden outbreak. Meanwhile the major was to keep a close eye on the suspected traitors of the convention, and to collect useful information for the government, sufficient, if possible, to hang the whole of them. While engaged in this delicate service, Jessup found himself in danger of collision with the local law. The new act for enlisting minors was regarded in Connecticut as unconstitutional. The city council of Hartford, determined to put what obstacles in the way of it they legally might, enacted a local ordinance forbidding the marching and parading of troops, the beating of drums, and displaying of flags; in fine, the opening of any recruiting station, except within certain limits, excluding the most populous parts of the town. Though

Jessup denied the right of the council to pass any such ordinance, he still managed matters with a sensible moderation, not always displayed by officials in his situation. Ingratiating himself with Goodrich—who was at once mayor of Hartford and member of the convention, and who understood, perhaps, the art of gaining information quite as well as Jessup did—he flattered himself that he had stimulated local ambition into a substitute for patriotism by developing to Goodrich a grand military scheme for the co-operation of New England in the conquest of Halifax. Being on the spot, and making diligent investigation, this sagacious young officer expressed to his terrified superiors at Washington the same opinion that Tompkins did: that the convention would confine itself to complaints, remonstrances, and an address to the people; nor does he appear to have given any encouragement to the alarm so generally spread of the speedy explosion of some long-plotted, secret treason.

The idea, indeed, was utterly baseless, a pedantic notion borrowed from books, and from a state of society totally different from that of the United States, of any danger to the government from the secret designs whether of twenty-six or of twenty-six thousand individuals who did not venture to avow the objects at which they aimed. Serious political changes, as is now very well known, can be produced in America only by open public agitation, and that generally long continued. The idea of a convention of twenty-six respectable gentlemen, for the most part with large stakes in the community, met publicly to plot treason with closed doors, and putting the president, his cabinet, and the great war party of the Union into bodily terror, seems to us, at the present time, a little ridiculous. Yet, in the helpless and doubtful position in which that party and their president then

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stood, the indications of public opinion afforded by the Federal press of New England, and especially of Boston, might well serve to inspire very serious apprehensions. Numerous articles in these papers seemed plainly to indicate the existence of a vehement and perhaps numerous party, whose only apprehension seemed to be that the convention would not go far enough. These articles called long and loud for relief; and the measure which they evidently contemplated was withdrawal, by a separate peace, from a war into which New England had been thrust against her interests and her protestations, leaving Virginia and the war states to fight it out at their own expense and to their hearts' content. Little was said on that point, yet such a withdrawal must naturally have involved the separation of New England from the Union, the dread of which weighed so heavily on Madison's mind.

Nor was this alarm confined to Madison alone. To the Federalists and the peace men generally of the Middle and Southern States, the idea of being thus deserted was not a little startling. John Randolph, in whom the protection offered by Cochrane's proclamation to runaway slaves had inspired an abhorrence and alarm which went far to neutralize his British partialities, addressed a published letter to Lloyd, a curious mixture, like all his performances, of sense and extravagance. Admitting that the administration was alike unwilling to maintain the relations of peace, and unable to conduct the operations of war, he yet deprecated the complaints of Massachusetts against the slave representation, that being a compromise essential to the existence of the Union. He referred, also, to certain points of coincidence in the views of New England merchants and Virginia planters, and called notice to the fact that, in spite of the efforts of the ultra

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Democrats to bring about a change, nobody voted in Virginia but freeholders. The blame of the present state of things ought not to be ascribed so exclusively to the South, since it was the Democrats of Massachusetts, a senator of hers, with the highest reputation for statesmanship (J. Q. Adams), her richest merchants (Gray and the Crowninshields), and a majority of her delegation in Congress, who had done more than any body else to support the men and the measures with whom and in which the present calamitous state of things had originated. 1814.

A report, addressed by the Hartford Convention to the Legislatures which they represented, and embodying the result of their twenty days' session, disappointed alike the fears of the cabinet, and the hopes and wishes of a certain number of the more ultra New England Federalists. It spoke of resistance to constituted authority as painful to the good citizen even when justifiable, and dangerous even when successful, since precedents of resistance to the worst administrations were eagerly seized by those hostile to the best. That existing evils arose from incurable and intrinsic defects in the Constitution, and that the time for a change was at hand, was, indeed, an opinion too prevalent to be overlooked. It might be well founded; but the Convention were not yet prepared to subscribe to it. The lust and caprice of power, the corruption of patronage, the oppression of the weaker interests of the community by the stronger, heavy taxes, wasteful expenditure, and unjust and ruinous wars: these natural results of bad administrations were not peculiar to any form of government; and to attempt, upon every abuse of power, to change the Constitution, would but perpetuate the evils of revolution. The cessation of the war in Europe—the subsidence of those fierce passions, by means of which the public opinion of America had 1815. Jan. 4.

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been so long deluded, furnished ground of hope; nor did the Convention overlook that difference of opinion lately pointed out by Dexter, beginning to show itself between Virginia and South Carolina on questions of mercantile and financial policy.

Should it finally appear that the existing calamities of the nation, instead of springing from the blindness of prejudice, from pride of opinion, the violence of party spirit, and the confusion of the times, grew out of implacable combinations of individuals or states to monopolize power, and to trample upon the rights and interests of the commercial section of the Union, then, indeed, a separation by equitable arrangement would be preferable to an alliance by constraint between nominal friends but real enemies. But a severance of the Union by one or more states, against the will of the rest, especially in time of war, could be justified only by absolute necessity; and the considerations above stated, when taken in connection with Washington's Farewell Address, appeared to be conclusive against precipitate action. Such were stated to be the views under the influence of which the Convention had proceeded to deliberate, first, as to relief against immediate and pressing dangers, and, secondly, as to the means of future security.

The dangers pending over New England were two-fold —dangers from the usurpations of the general government; dangers from the common enemy. In the power over the militia claimed for the general government; in the exclusive right of the president to decide on the existence of the constitutional emergencies for calling them into service, thus placing them, in fact, at his unlimited disposal; in the delegating this power to officers of the regular army, stationed in military districts, without any troops corresponding to their rank, and for the apparent

purpose of superseding the governors of the states and the other militia officers in their constitutional right to command; in the classifying the militia, and compelling each class to furnish a man—a power vested, indeed, in the states, but nowhere given to Congress; in the filling up the ranks of the regular army by conscription; in the authorizing the enlistment of minors without the consent of their parents or guardians, thus invalidating contracts, and overturning the paternal authority existing under the laws of the state; in all these measures the Convention could see nothing but total disregard of the Constitution, such as demanded from the individual states firm and decided opposition. What servitude could be harder than to force the citizen from his home to wage offensive wars, undertaken to gratify the pride or passions of his rulers? The example of France had lately shown that a cabal of individuals, assuming to act in the name of the people, might transform the great body of citizens into soldiers, and then deliver them over into the hands of a single tyrant. Had the troops already raised, and, in great numbers, sacrificed on the frontiers, been employed for the defense of the country; had the millions squandered with shameful profusion been appropriated to the protection of the coast and to the naval service, there would have been no need of such unconstitutional expedients. Let the government, even at this late hour, leave to New England the remnant of her resources, and she would be ready and able to defend herself; resigning the benefits and glory of the border warfare to those determined to persist in it. 1815.

Though acts of Congress in violation of the Constitution were merely void, yet it did not seem to consist with the respect and forbearance due from a confederate state toward the general government, to fly at once, upon

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every infraction, to open resistance. The mode and energy of opposition ought rather to conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted by it, the determination manifested to persist in it, and the danger of delay. Yet, in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a state and the liberties of the people, it was not only the right, but the duty also, of the state to interpose its authority for their protection. When emergencies occur, either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, states which have no common umpire must be their own judges and execute their own decisions. Though not claiming any power to nullify acts of Congress, they did claim the right to prevent void acts from being carried into execution; and they recommended accordingly to their respective states to wait the ultimate disposal of the obnoxious measures then pending in Congress; and, according to the shape those measures should assume, to take such steps as might be found necessary, effectually to protect their own sovereignty, and the rights and liberties of their citizens. Such were the doctrines on the subject of state rights—rights quite out of fashion just then at Washington, though once so favorite a topic with the ruling party—laid down by the Hartford Convention. Agreeing with all the most distinguished statesmen of the Union, one or two only excepted (and they not so much statesmen as lawyers), that convention omitted to recognize any pretended authority in the Federal Supreme Court to decide on the sovereign rights of the states.

As to the defense of New England against the common enemy, that defense had hitherto rested almost entirely on the state governments. Massachusetts had al-

ready expended for that purpose upward of $800,000; and, from the bankruptcy of the general government, this state of things was likely to continue. But, in the present ruinous condition of her commerce, it would be impossible for her or the other New England States to continue to defend themselves, except by the appropriation to that purpose of a reasonable portion of the heavy taxes levied on them by a government bound to protect them, but failing to do so. Such an application of a part of the money paid by themselves was too reasonable to be refused, and the states were advised to press it at Washington.

With a view to security against the recurrence in future of evils like the present, several amendments to the Federal Constitution were proposed: the basing representation on free population; making the president ineligible for a second term; disqualifying persons of foreign birth to hold office; limiting embargoes to sixty days; requiring a two thirds' vote in Congress to admit new states, to interdict commercial intercourse, to declare war, or to authorize hostilities, except in cases of invasion.

Should the application to Congress for the proposed appropriation of revenue prove ineffectual, and should the existing state of circumstances in other respects continue, it was recommended that a new convention meet in Boston in June. The officers of the present convention were also authorized, in case of any pressing emergency in the interval, to issue a call for its re-assembly.

This report having been accepted by the Legislatures of Massachusetts and Connecticut, commissioners appointed by those Legislatures were dispatched to Washington, to lay the proposed arrangement as to taxes before Congress; an arrangement put, indeed, into the

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shape of a request, but having, under the circumstances, much the aspect of a demand.

1815. The bill for the enlistment of minors having passed Congress pending the session of the convention, the Legislature of Connecticut, and the same thing was presently done in Massachusetts, proceeded to pass an act requiring the state judges to discharge on habeas corpus all minors enlisted without the consent of their parents or guardians, and subjecting to fine and imprisonment any person concerned in any such enlistment who should remove any such minor out of the state, so that he could not be thus discharged. But the abandonment at Washington of the conscription system made any action under these laws unnecessary.

The position, meanwhile, of Madison and his cabinet, grew day by day more embarrassing. Nothing further had yet been heard from the commissioners at Ghent. From inability to command specie, a new default had been made at Boston in paying the January dividends on the national debt, and on a large amount of treasury notes falling due there. Every department of the government was greatly behind hand in its payments. While Tompkins sustained the garrison of New York by his own private credit, Pinkney, at Charleston, was obliged to ask an advance from the state. The recruiting service, even the pitiful expedient of the enlistment of minors, was at a complete stand-still for want of funds. No longer placing any reliance on the capacity of the general government to fulfill its duties, Pennsylvania, South Carolina, and Kentucky had followed the example of Connecticut, Massachusetts, Virginia, and New York, in directing the enlistment of state troops. The conscription scheme being scouted, even by the war men, the only provision made for the military service was a return

to the old expedient, once already tried and rejected, of twelve months' volunteers, of which the government was anthorized to engage 40,000; while for local defense they were not only authorized, but required to accept, if offered, the services of 40,000 state troops, these troops not to be required to serve except in their own state and those adjoining it, and to be reckoned, in any call for militia, as a part of the state quota. CHAPTER XXIX. 1815.

Even the navy, hitherto such a god-send to the war party, seemed at last to have failed them. An act had been passed for the purchasing or building of twenty small cruisers, and under it steps had been taken for procuring and fitting out two squadrons of five vessels each, to sail for the West Indies, with orders to sink, burn, and destroy—the one under Porter, the other under Perry. It seemed doubtful, however, whether seamen could be obtained to man even these small squadrons, so unpopular was the service on Lake Ontario, to which most of the seamen lately enlisted had been sent; and it was a curious comment upon Madison's many eloquent diplomatic diatribes against the principle and practice of impressment, to find Jones, who presently resigned, and was succeeded by Benjamin Crowninshield, recommending, in his annual navy report, a registration and conscription of seamen for the navy! 1814. Nov. 15.

The Constitution, now commanded by Stewart, had succeeded, by the help of the winter gales, in getting out of Boston harbor. But Decatur, in the frigate President, attempting to evade the blockade of New York, having also under his command the sloops Hornet and Peacock, was not so fortunate. The morning after getting to sea, he was chased by a fifty gun ship, three frigates, and a brig. The Endymion frigate, of forty guns, soon got within gunshot, and in a running fight along Dec.

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the south shore of Long Island, was pretty thoroughly disabled; but Decatur was also crippled, and the other vessels coming up, he was obliged to strike. The two

Jan. 15. sloops of war, ignorant of this misadventure, got to sea a few days after, and proceeded on their course, once more displaying, in conjunction with the Constitution, those stripes and stars which, since the mysterious disappearance of the Wasp, had ceased to wave on the ocean from any national ship.

Disgusted at the defeat of his non-specie paying bank

Jan. 17. Dallas, in a new report, laid more bare than ever the poverty of the treasury. The year had closed with nineteen millions of unpaid debts, to meet which there was a nominal balance in the treasury of less than two millions, and about four and a half millions of uncollected taxes. For the service of the next year fifty millions would be needed. The total revenue, including the produce of the new taxes, was estimated at but eleven millions—ten from taxes, and one only from duties on imports; to such a low ebb had the commerce of the United States been reduced! Dallas proposed to raise fifteen millions by a new issue of treasury notes, on Eppes's plan, to serve as a sort of government currency, redeemable by instalments in five years. To create any chance of borrowing the rest, it would be necessary to begin by laying new taxes to the annual amount of five millions, as security for the payment of the interest. Dividends, income, inheritances, legal proceedings, mercantile documents, and a dollar a barrel on flour, were mentioned as sources whence this income might be derived.

The government thus without money or credit; the regular force rather diminishing than increasing; the now divided and discordant war party unwilling to agree to the desperate expedients urged upon them by the cabi-

net; Great Britain refusing to treat unless she might retain her conquests; a veteran British army in Canada menacing an early invasion in the spring, if, indeed, it did not attempt a winter attack, at least against Sackett's Harbor; Cumberland Island lately taken possession of by Cockburn with a considerable military and naval force, which threatened with ravage, if not with servile insurrection, the coasts of Georgia and South Carolina; a formidable armament, composed in part of Ross's late army, known to be on its way against New Orleans, which the government were conscious of having done nothing to defend, and of the fall of which they apprehended daily to hear—such was the helpless, almost hopeless condition of the general government when the commissioners from Massachusetts and Connecticut set out on their ungracious errand to Washington. But before their arrival, by a sudden turn of events almost like that of a fairy tale, news, first from New Orleans and then from Ghent, once more set the administration on their feet, and, in relieving them, relieved the country also from the most cruel embarrassments and threatening disasters; giving, indeed, a new lease of power to those who had shown themselves little fit for it, but with the benefit of several useful lessons, by which they did not fail to profit—lessons, perhaps, not otherwise to have been taught, either to them or to the party whose agents they were.

Previous to Jackson's arrival at New Orleans, every thing had remained there, intervening dilapidations excepted, in the same condition in which Wilkinson had left it, a stop having been put, immediately after his departure, to every measure of defense which he had commenced. The total population of Louisiana did not exceed 100,000, of whom half were slaves or free people

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of color. New Orleans had about 20,000, of whom less than half were whites. Of these whites a large portion were French creoles, while there were also many adventurers of foreign birth, whose attachment to the United States was not implicitly relied upon. The adjoining districts of Mississippi contained not above 40,000 inhabitants, of whom half were slaves. In consequence of communications sent by General Jackson from Mo-

Sept. 5. bile, Governor Claiborne had ordered all the militia of Louisiana to hold themselves in readiness for instant service, those of the city to exercise twice a week, and

Sept. 16. those of the country half as often. A public meeting was soon after called in New Orleans, and a committee of defense organized, of which Edward Livingston was appointed chairman. Having recovered possession at last of his batture, Livingston had begun to rise above the wave of obloquy with which he had been so long overwhelmed; but he was still so unpopular, and such were the local jealousies and quarrels, that another and rival committee of defense was presently organized. Determined to avail himself of every means of defense,

Sept. 21. Jackson issued from Mobile an affectionate address to "the noble-hearted, generous, free men of color." Repudiating the mistaken policy which had hitherto excluded them from the military service, he called on them to enroll themselves in a distinct corps—a call to which

Nov. 10. they quickly responded, under an act of the Louisiana Legislature, called together in special session, and by which a joint committee of defense was appointed, apparently, however, with very little hopes that any very serious attack could be withstood.

The arrival of Jackson, who was soon followed by a few regulars from Mobile, served to give some encouragement. But he saw at once that he must rely for defense

mainly on exterior resources; nor were there any to which he could look except Coffee's brigade, which, after the expulsion of the British from Pensacola, he had ordered to march for the Mississippi, and other detachments of militia from Kentucky and Tennessee, called for some time before, and expected down the river, but which, as yet, had scarcely set out. Such, in fact, was the poverty and disorganization of the quarter-master's department in the West, that the Kentucky troops had only been enabled to embark by the credit of individual citizens pledged for the necessary supplies. Intent to augment his forces by all means, Jackson accepted the aid of Lafitte and a portion of the Baratarian buccaneers, who again tendered their services on condition of pardon. The convicts, also, in the prison were released and embodied.

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A flat-bottomed frigate, commenced by Wilkinson, and which would have been invaluable at the present moment, lay unfinished on the shores of Lake Pontchartrain. The only naval force on that lake and Lake Borgne was five gun-boats and a small schooner; these, with a few other gun-boats and barges in the Mississippi, the schooner Carolina of 14 guns, and the ship Louisiana of 16, the latter just taken into the service, constituted the whole naval means of defending the water approaches. While Jackson was inspecting the forts St. Philip and Leon, which guarded the ascent of the river, news reached New Orleans that the expected British fleet had anchored at Cat Island, off the entrance of Lake Borgne. The force on board, without counting 4000 sailors and marines, amounted, as it afterwards appeared, to 12,000 men, commanded by Packingham, Keene, Lambert, and Gibbs, able and experienced generals of Wellington's late Peninsular army, whence, also, the troops had mostly been

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drawn. Some forty or fifty British barges succeeded after a hard fight, in capturing the American flotilla on Lake Borgne, thus laying open the passage to New Orleans; and about the same time, the post called the Balize, at the entrance of the river, with all the pilots stationed there, fell into the enemy's hands.

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The Louisiana militia were at once called into the field; but a serious difficulty arose from the want of arms. Jackson, some months before, had called for a supply from the arsenal at Pittsburg; but, from an unwillingness to pay the freight demanded by the only steamer which then navigated the Mississippi, these necessary means of defense had been shipped in keel boats, nor did they arrive till the fate of the city had been decided. Even the muskets on hand would have been useless but for a supply of flints furnished by Lafitte, the Barataria pirate. The Legislature passed an act extending for four months the payment of all bills and notes; but they hesitated to suspend the habeas corpus act; whereupon Jackson, under whose command Governor Claiborne had placed himself and the militia, took the responsibility of proclaiming martial law.

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Expresses had already been sent up the river, to get news, if possible, of Coffee's brigade, and of the militia expected from Tennessee and Kentucky. Coffee, after encountering great hardships from excessive rains and short supplies, had reached the neighborhood of Baton Rouge about the time that the British appeared off Cat Island. On receiving Jackson's orders, he had marched with 1350 men, leaving 300 sick behind, and pushing forward himself with 800 of the best mounted, he accomplished the distance of 150 miles in two days, encamping on the third within four miles of the city. A body of Mississippi dragoons, which had marched from

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Mobile about the same time, arrived shortly after. Of news of Carroll's approach with the additional Tennessee militia, the steam-boat which had just arrived from Pittsburg had been sent to bring them down; and Jackson thus found himself at the head of 5000 men, of whom somewhat less than a thousand were regulars. Dec. 21.

Meanwhile the British army, advancing in their light transports to the head of Lake Borgne, under the pilotage of some Italian fishermen who dwelt in that neighborhood, found a water passage by the Bayou Bienvenu to within a short distance of the Mississippi, of which the left bank, about fifteen miles below New Orleans, was gained by General Keene with an advanced party of 2000 light troops. This approach from the front was a fortunate circumstance; had the British advanced by Lake Pontchartrain, thus cutting off the communication of New Orleans with the country above, the result might have been very different.

As soon as Jackson was informed of this lodgment, leaving Carroll and the Louisiana country militia to cover the city, he marched to meet the enemy, taking with him the regulars, the city militia, Coffee's brigade dismounted, and the Mississippi dragoons. The British left rested on the river, exposed to the fire of the schooner Carolina. Coffee was detached to gain their right, while Jackson, with the rest of the troops and two pieces of artillery, advanced on their front. It was dark before the action began, a circumstance favorable in some respects to the raw American troops, but preventing co-operation, and producing some confusion. The attack was made with vigor. The British, greatly annoyed by the fire of the schooner, were driven to take several new positions; but at last they got into a very strong one, between an old levee, which covered Dec. 23

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them from the schooner, and a new one, raised within, which guarded their right; and finding that this position could not be forced, Jackson retired with a loss of 223 in killed, wounded, and prisoners. The enemy's loss was rather greater. The next day Jackson took up a position behind a deep trench running from the river to the swamp, at a point where the solid land between was less than a mile in breadth—a position naturally strong, and which every effort was made to strengthen. Just as the late action closed, the British had been joined by a new division from their ships; but, alarmed at the warm reception they had met, and ignorant of Jackson's force, which the American prisoners greatly exaggerated, instead of pressing forward at once, which would have been their best chance, they waited to bring up re-inforcements and artillery. This interval was diligently employed by Jackson in strengthening his position, bales of cotton being used to form a rampart, which, as well as the ditch in front of it, was ex-

Dec. 27. tended into the swamp. A British battery, established on the levee, succeeded in destroying the Carolina by hot shot, but the Louisiana was saved, and towed out of

Dec. 28 reach. The next day the enemy advanced in force, driving in Jackson's outposts, and having approached within a half a mile of his lines, they opened upon them with artillery, bombs, and Congreve rockets. Jackson had five pieces of heavy artillery already mounted, and served by the crew of the Carolina. These guns, aided by the raking fire of the Louisiana, checked the enemy's advance, and after a seven hours' cannonade, he retired with considerable loss.

As matters thus approached a crisis, Jackson and Claiborne were not a little troubled at the apprehension of treachery within the city. Fulwar Skipworth, who, from

having been governor of the late insurgent republic of West Florida, was now speaker of the Louisiana Senate, had made some inquiries of Major Butler, left in command at New Orleans, as to the truth of a rumor, that, rather than surrender, Jackson would destroy the city and retire up the river, from which and other circumstances, it was conjectured that the Legislature might intend to save the city by offering to capitulate. Jackson directed Claiborne, in case any move was made in that direction, to arrest the members of the Legislature; an order to which Claiborne gave such an interpretation, contrary, it was afterward said, to Jackson's intentions, that, without waiting to see whether there were any grounds for his suspicions, he placed a military guard at the door of the hall, and broke up the legislative session Jackson also authorized a general search of houses and stores for arms, and, to prevent any skulking from militia duty, he directed a registration of all the male inhabitants. 1814.

With the commencement of the new year, the enemy renewed his attack with more and heavier artillery; but, in the interval, the works had been much strengthened; and, after a heavy cannonade, the British guns were dismounted and silenced. Jackson's preparations for defense were not confined to the left bank of the river. By the Bay of Barataria and the inlets connected with it, the bank opposite the city might be approached, without passing the forts on the river; and to guard against attack from that quarter, General Morgan had been sent across, with orders to throw up defenses like those on the eastern side. At last the long-expected Kentuckians arrived—2250 men, led by General Adair, that old friend of Burr's—but half of them were without arms, which Jackson could not furnish. Detachments of these Ken- 1815. Jan. 1. Jan. 4

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tuckians and of the Louisiana militia were sent to join Morgan, whose force was thus raised to 1500 men, stationed behind an intrenchment, defended by several brass twelves and by a battery of twenty-four pounders, commanded by Commodore Patterson. The men without arms were employed by Jackson upon a second line of intrenchments, as a place of rally should he be driven from his first line.

Preparations had meanwhile been made by the British for a grand attack. Boats having been drawn, with great labor, from the bayou into the river, Colonel Thornton was sent across in the night, with a British detachment, to assault Morgan. At the same time, under the fire of a battery of six eighteen pounders, erected also during the night, the main body, led by Packing-

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ham in person, advanced to storm Jackson's position. "Booty and beauty," such was the watchword; comment enough on British military morals. One column marched by the river, and, without much difficulty, carried an advanced redoubt, by the guns of which the approach to the American line was raked through its whole extent. The other and main column, led by Gibbs and Keene, approached that part of the American line, nearest the swamp, occupied by Carroll's division. The ditch in front was very deep and broad; and the storming column, exposed to the fatal fire of the Tennessee sharp-shooters, and of nine pieces of heavy artillery, was speedily thrown into confusion. Packingham, in attempting to restore order, was killed; the other two generals were wounded, Gibbs mortally; and after an hour's struggle, and two unsuccessful advances, Lambert who succeeded to the command, was obliged to withdraw, at the same time abandoning the redoubt on the river, which the other column had carried. Thornton, on the

opposite bank, notwithstanding some delay in his advance, had proved entirely successful, and the position he had gained would have given great advantage for renewing the attack. But the British army had lost 2000 men in killed and wounded; and Lambert, dreading still further disasters, hastened to withdraw Thornton's troops, and to abandon the whole enterprise. Having taken all proper precautions to cover his retreat, he first fell back to the original landing-place on Lake Borgne, from which point the army was presently re-embarked. Jackson's loss was but trifling, only 71 on both sides of the river, while his total loss in the campaign had been but 333. But with his raw troops, whose flight before Thornton had shown how little they could be depended on, he did not choose to risk any thing in attempting to intercept the enemy's retreat, who retiring first to Cat Island, proceeded thence, as if not to fail entirely, to the attack and capture of Fort Bowyer. About the same time the enemy withdrew from the coast of Georgia; but not until they had caused a proclamation of martial law, and had thrown that state and South Carolina also into a paroxysm of alarm.

Jan. 9.

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Jan. 27.

Feb. 21.

Rumors of Jackson's successes, beginning to arrive at Washington, successes which the administration, so far as any thing had been done by them, had very little right to expect, came like an exhilarating cordial to the baffled and mortified war party. Confirmations, with additional particulars, continued to arrive, and to be welcomed with the loudest exultations; but, before the whole story was known, the public attention was drawn off to a fresh piece of news of even greater interest and importance.

The British sloop of war Favorite, arriving at New York under a flag of truce, brought two messengers, one British, the other American, bearers of an unexpected

Feb. 11.

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treaty of peace, already ratified by the British government. It was late of a Saturday night; but no sooner was the joyful word PEACE circulated through the city, and it spread like electricity, than, without stopping to inquire or to think about the terms, the whole active population, of all parties, rushed into the streets in a perfect ecstasy of delight; and amid shouts, illuminations, and a complete uproar of joy, expresses were sent off north and south with the news. In thirty-two hours (thought to be a great effort of speed) the announcement reached Boston, where it was received on Monday morning with the most clamorous rejoicings. All the bells were at once set to ringing; messengers were dispatched in every direction to spread the delightful intelligence; the schools received a holyday; the whole population, quitting their employments, hastened to congratulate each other at this relief, not only from foreign war, but from the still more dreadful impending cloud of internal and civil struggle. The blockaded shipping, rotting forlorn at the wharves, got out all their flags and streamers, and, before night, once more the hum of commerce sounded, ship-carpenters and riggers were busy at work, cargoes were being shipped, and crews engaged. The joy was the same along the whole maritime frontier; nor, however they might strive to conceal their emotions, was it less among the politicians at Washington, including those most forward to precipitate their country into a struggle so unequal and disastrous. At the same time they made a very dexterous use of the sudden halo of glory diffused by Jackson's victory, to conceal from themselves, as well as from the people, the desperate point to which affairs had been

Feb. 16.

reduced. Troup had the audacity to congratulate the House even before the contents of the treaty were known, it having but just been laid before the Senate, on

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the glorious terminationof the most glorious war ever waged by any people—provided, as he cautiously added, that the treaty should prove an honorable one!

Aug. 8. The weakness of the British possessions in North America; the necessity of some barrier against that ambitious spirit of annexation exhibited in the acquisition of Louisiana, the threatened conquest of Canada, and the constant curtailment of the Indian territory, these had been stated by the British commissioners, at the opening of the negotiation, as grounds of their claim for an assignment to the British Indian allies of a permanent neutral territory, with a prohibition to the United States to establish fortresses or keep ships on the great lakes. The American commissioners had protested, in reply, against this attempted interference with the Indians, as a thing which the policy of Great Britain had never permitted in her own case, and as contrary to the assurances originally given of a disposition to treat on terms of perfect reciprocity. They denied, with emphasis, that the conquest of Canada had ever been a *declared* object of the war; and they dwelt on the humane disposition of their government toward the Indians, protesting, also, against the British employment of Indian auxiliaries. Finally, after some pretty sharp controversy, the British commissioners had agreed to be content with a mutual stipulation for peace with the Indians, the tribes still actively engaged in hostilities at the close of the war to be restored to the same position in which they had stood at its commencement. This question disposed of by the provisional assent of the American commissioners, the next related to boundaries. The false idea that the Mississippi had its source north of the 49th degree of latitude, had rendered nugatory the provision of the treaty of 1783 as to the northern boundary of the

Oct. 18.

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United States west of the Lake of the Woods. That boundary, indeed, since the acquisition of Louisiana, remained to be extended far to the west, the United States claiming, under that cession, even to the Pacific Ocean. The provision for a boundary on the northeast, so far as related to the territory between the head of the St. Croix and the head of the Connecticut, had likewise failed, so the British commissioners contended, from similar geographical ignorance; and, as the basis of a new arrangement, they had suggested that each party should retain what he held at the signing of the treaty. To this the

Nov. 5

American commissioners had refused to agree. So the negotiation had stood by the latest accounts previous to the arrival of the treaty of peace.

The treaty, as signed, provided for the mutual restoration of all conquered territory, and for the appointment of three commissions: one to settle the title to the islands in Passamaquoddy Bay; another to mark out the northeastern boundary as far as the St. Lawrence; and a third to run the line through the St. Lawrence and the lakes to the Lake of the Woods. In case of disagreement in either commission, the point in dispute was to be referred to some friendly power. No provision was made as to the boundary west of the Lake of the Woods, nor as to the fishery on the shores of British America. The British commissioners refused to accept, in return for this right of fishing, a modified renewal of the article for the navigation of the Mississippi, which, in their view, was also terminated by the war. The result, therefore, was, that, instead of leaving the parties where they began, the war took away from Great Britain a nominal right, never used, of navigating the Mississippi, and from the New England fishermen a valuable right, hitherto used from the earliest times, of catching and curing fish

on the shores of the Gulf of St. Lawrence, the loss of which long continued to be felt. Hostilities on land were to terminate with the ratification of the treaty, and on the ocean in certain specified periods, according to distances, of which the longest was four months. By some adroit management, the English commissioners were induced to admit into the treaty a clause copied from that of 1783, with the history of which probably they were not familiar, against carrying away "any negroes or other property." The only remaining article related to the slave trade, for the suppression of which, as irreconcilable with the principles of humanity and justice, both parties promised to use their best endeavors.

The treaty, having been unanimously ratified and formally promulgated, was celebrated every where throughout the country with the loudest rejoicings. The Federalists, and all the more sensible Republicans, considered the country lucky in the peace, such as it was. The violent war men, greatly cooled by this time, concealed their mortification behind the smoke of Jackson's victory, and vague declamations about the national rights vindicated, the national character exalted, and the military and naval glory of the war. Considering the new demands of Great Britain put forward at Ghent, they seemed to esteem it a triumph to be allowed to stop where they began, leaving the whole question of impressments and neutral rights, the sole ostensible occasion of the war, without a word said upon the subject, to be settled at some more convenient opportunity: a common termination of wars, even for the most powerful and belligerent nations, and of which Great Britain herself has given more than one instance.

Feb. 17.

Feb. 18

The war thus happily ended, Dallas's bank scheme, which had been again revived and carried through the

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Senate, was indefinitely postponed in the House by a majority of one vote. Instead of the scheme of finance which he had proposed, a loan of $18,400,000 was authorized, being the amount of treasury notes outstanding; and, as immediate means to go on with, new treasury notes to the amount of twenty-five millions. A part of these notes to be issued in sums under a hundred dollars, payable to the bearer, and without interest, were intended to serve as a currency. Those over a hundred dollars were to bear an interest of five and two fifths per cent.—a cent and a half a day for every hundred dollars. Both kinds were to be receivable for all public dues, and fundable at the pleasure of the holder—those bearing interest in six per cent. stock, and those without interest in seven per cent. stock.

Haste was made to repeal, in favor of all reciprocating nations, the act imposing discriminating duties on foreign vessels, and all remnants and remainders, if any there were, of the old non-intercourse and non-importation acts; also an act passed only a few days before, containing many strong provisions, some of them of very questionable constitutionality, for the extinguishment of trade and intercourse with Great Britain. The commissioners at Ghent, before terminating their mission, signed a

July.

commercial convention for four years, copied substantially from Jay's treaty, but with an additional proviso for absolute reciprocity in the direct trade, by the abolition, on both sides, of all discriminations.

Appropriations were made for rebuilding the public edifices lately burned by the British; not, however, without a good deal of opposition. Rhea proposed to encircle the ruins of the Capitol with an iron balustrade, to let the ivy grow over them, and to place on their front, in letters of brass, this inscription: "Americans! This

is the effect of British barbarism! Let us swear eternal hatred to England!" Many of the Southern members were quite electrified by this burst of patriotic indignation; but the effect passed rapidly away, as it occurred to them that Rhea was a Pennsylvanian, anxious to have the seat of government removed to Philadelphia or Lancaster. 1815.

Jefferson had offered a library of some seven thousand volumes, which he had been all his life collecting, to supply the place of that burned by the British; but the appropriation for this purpose did not pass without violent opposition. It was proposed to pay for these books about $30,000—more, no doubt, than they would have sold for, though probably not much more than they had cost. But this act of mutual accommodation—for Jefferson needed the money—was violently denounced by many of the Federalists as an approach to a system of pensions. The same objection defeated a bill to pay to the destitute family of Vice-president Gerry, who had died during the session, his salary for the remainder of the year. A vast deal of Federal spleen was vented in the not very creditable debates on these two bills. The Democrats fully retorted in the discussion of a bill, which also failed to pass, to repay to Massachusetts and Connecticut their advances for local defense during the war—advances of which a large amount, amid millions squandered on more favored states, remains unpaid to this day.

The president recommended a peace establishment of 20,000 men. The House wished to reduce it to 6000; the Senate preferred 15,000; 10,000 was finally agreed to as a compromise. Two major generals, four brigadiers, and the necessary number of staff, regimental, and company officers, were to be selected by the president from those in service. The supernumerary officers and men, according to the original terms of enlistment, were to be

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discharged, with three months' extra pay. An additional bounty in land was also proposed, but not carried.

1815. The flotilla act was repealed, and the remaining gun-boats ordered to be sold. The naval establishment was left as it stood, with an additional appropriation of $200,000 annually, for three years, for its gradual increase. A bill for appointing admirals and vice-admirals failed, as the same proposal often has done since, but an important change was made in the naval administration, by creating a board of three naval officers, to exercise, under the Secretary of the Navy, the general superintendence of that department.

The three national ships at sea when peace was concluded did not return without additional laurels. Off
Feb 20. Lisbon, the Constitution engaged in a moonlight action two British sloops-of-war, the Cyane, of 24 guns, and the Levant, of 18. Keeping the wind, and taking a distance favorable to her long twenty-fours, but too great for the carronades the enemy's principal armament, herself, as it were, in the apex, and the two hostile ships at the opposite angles of a nearly equilateral triangle, the Constitution compelled first the Cyane and then the Levant to strike, with a loss to herself of only three killed and twelve wounded, and no essential damage to the vessel.
March 11. She then proceeded with her prizes to Port Praya, in the Cape de Verd Islands, whence she barely escaped in a fog from a squadron of heavy British vessels, by which the Levant was recaptured.

The rendezvous appointed for the Hornet and Peacock, on getting out of New York, was Tristran d'Acunha, off the Cape of Good Hope. Shortly before arriving there,
March 23. the Hornet, Captain Biddle, encountered and captured the brig-of-war Penguin, of 18 guns, just about her match. The Penguin suffered very severely with loss

of foremast and bowsprit, so that it became necessary to destroy her. The Peacock appeared the next day, when both vessels proceeded together for the Indian Ocean. As they entered that sea they were chased by a seventy-four, from which the Hornet escaped with difficulty, being obliged to throw overboard almost every thing moveable, and returning to New York without boat, anchor, or cable, and with but one gun. The Peacock, Captain Warrington, kept on her cruise, and in the Straits of Funda, captured the Nautilus, an East India cruiser, of fourteen guns. Though told that peace had been made, Warrington insisted that the Nautilus should strike to him, and he compelled her to do so by a broadside, which killed six men and wounded eight others. But the next day she was given up, and so ended the naval hostilities.

1814.

June 30

The whole number of British vessels captured during the war, on the lakes and on the ocean, as well by privateers (of which there remained some forty or fifty at sea when peace was concluded), as by national vessels, omitting those re-captured, was reckoned at 1750. According to an official British return, there had been captured or destroyed by ships of the royal navy, 42 American national vessels, including 22 gun-boats, 233 privateers, and 1437 merchant vessels—1683 in all, manned by upward of 18,000 seamen. The captures by British privateers were not numerous.

Owing to the early disasters by land, the balance of prisoners had been all along against the Americans. Horrid, indeed, were the tales brought back, equal to those of the Jersey prison-ship, from Dartmoor and other British depots for prisoners, where war had been seen stripped of all its gilding, and felt in all its grim horrors. Much feeling was also occasioned by an unlucky disturb-

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ance which occurred at Dartmoor after the peace was known, the guard firing on the prisoners and killing several.

1815.

As to the maritime results of the war, the British remained very sore. A party, with the London Times at its head, bitterly complained that any peace should have been consented to before stripping the upstart and insolent Yankees of their naval laurels. Madison, on the other hand, exhibited his anxiety to avoid the impressment question for the future by recommending the passage of an act excluding foreign seamen from American ships.

Feb. 25.

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DIPLOMATIC AND OTHER APPOINTMENTS. MARTIAL LAW AT NEW ORLEANS. THE ARMY. WAR WITH ALGIERS. INDIAN TREATIES. FOURTEENTH CONGRESS. NEW TARIFF. NATIONAL BANK. INTERNAL IMPROVEMENTS. FORTIFICATIONS AND NAVY. PRESIDENTIAL NOMINATION. ECCLESIASTICAL AFFAIRS. STATE OF INDIANA. FOURTEENTH CONGRESS, SECOND SESSION. RESUMPTION OF SPECIE PAYMENTS. FOREIGN RELATIONS. ALABAMA TERRITORY. SLAVE TRADE, FOREIGN AND DOMESTIC. COLONIZATION SOCIETY.

1815.

BEFORE the adjournment of Congress, steps had been taken to re-establish diplomatic relations with Europe. Eustis had been appointed minister to Holland, and Erving to Spain, Don Onis being at length recognized as the minister of that country. John Q. Adams was appointed minister to Great Britain, and Gallatin to France, to succeed Crawford, who had asked leave to return. Bayard was selected as Adams's successor at St. Petersburg; but, suffering under mortal sickness, he hastened home to die. To fill up the cabinet, Dearborn was nominated Secretary of War, but as the Senate refused to confirm him, Crawford was substituted, Dallas undertaking to discharge the duties of the office till Crawford's return from France.

Though there seemed no longer any danger from the British army, martial law had continued to be kept up at New Orleans, and General Jackson even chose to construe into a provocation to mutiny an article complaining of this state of things which appeared in a newspaper.

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He compelled the publisher to disclose the author, whom, proving to be a member of the Legislature, Jackson forthwith committed to prison, proposing to try him for his life by a military court. A writ of habeas corpus

March 5. having been issued on his behalf by Judge Hall, of the United States District Court, the judge himself was arrested and sent out of the city, as was also the District Attorney, for having presumed to apply to one of the state judges for a writ of habeas corpus to release Hall. Even after the news of peace arrived, Jackson still in-

March 8. sisted upon maintaining military rule till official infor-

March 13. mation of the ratification of the treaty left no longer any pretense for it. The Tennessee and Kentucky militia were now dismissed, to march home by land, in which they suffered vastly more from sickness than they had done from the enemy. Hall, having returned to the city, caused process to be served on Jackson, to show cause why an attachment should not issue against him for his contempt in resisting the writ of habeas corpus. In an-

March 30 swer to this summons the general appeared, followed by a shouting crowd. He wished to put in, by way of defense, a written statement of his reasons for proclaiming martial law; but as it consisted, in part, of reflections on the judge himself, Hall refused to allow it to be read, except certain parts in which some legal points were taken. The general was defended by four lawyers, volunteer aids-de-camp, of whom one was Edward Livingston, the author, doubtless, of the rejected paper, and who now figured in a very different position from that which he had formerly occupied, as the ultra defender of popular rights against Washington, Adams, and Jefferson, and especially against Wilkinson's proclamation of martial law during the affair of Burr. The hearing finished, the judge ordered an attachment to issue, at the return of

which Jackson appeared; but he refused to answer interrogatories, and he listened, not without some insolent interruptions, to the decision of the judge, who imposed upon him a fine of $1000. His check for this amount was immediately tendered to the clerk; and the general, on leaving the court, was received outside by a worshiping crowd, in a short address to whom he took no little credit to himself for having condescended to submit to the law. A subscription for the discharge of his fine was speedily made up.

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March 31

Under the new arrangement of the army, Brown and Jackson were retained as major generals, with Macomb, Scott, Gaines, and Ripley as brigadiers. The ordnance, the engineers, and the Military Academy were preserved entire, with the two corps of horse and foot artillery, the latter, however, reduced to eight battalions. The rifle regiment, and eight regiments of infantry, were also retained. Upward of 1800 officers were discharged, not without great hardship to several, who had been in the army almost the whole of their lives. Among these was Wilkinson, who had just been honorably acquitted by the court appointed to investigate his Canada campaigns. Thus dropped in his old age by a government he had served the greater part of his life, he was provided for by a pension from his native State of Maryland.

May 17

Just as the late war with Great Britain had broken out, the Dey of Algiers, taking offense at not having received from America the precise articles in the way of tribute demanded, had unceremoniously dismissed Lear, the consul, had declared war, and had since captured an American vessel, and reduced her crew to slavery. Immediately after the ratification of the treaty with England, this declaration of war had been reciprocated. Efforts had been at once made to fit out ships, new and

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old, including several small ones lately purchased for the proposed squadrons of Porter and Perry, and before many weeks Decatur sailed from New York with the Guerriere, Macedonian, and Constellation frigates, the Ontario, new sloop of war, four brigs, and two schooners. Two days after passing Gibraltar, he fell in with and captured an Algerine frigate of 44 guns, the largest ship in the Algerine navy, which struck to the Guerriere after a running fight of twenty-five minutes. A day or two after, an Algerine brig was chased into shoal water on the Spanish coast, and captured by the smaller vessels. Decatur having appeared off Algiers, the terrified Dey at once consented to a treaty, which he submitted to sign on Decatur's quarter-deck, surrendering all prisoners on hand, making certain pecuniary indemnities, renouncing all future claim to any American tribute or presents, and the practice, also, of reducing prisoners of war to slavery. Decatur then proceeded to Tunis and Tripoli, and obtained from both indemnity for American vessels captured under the guns of their forts by British cruisers during the late war. The Bey of Tripoli being short of cash, Decatur agreed to accept in part payment the restoration of liberty of eight Danes and two Neapolitans held as slaves.

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May 19.

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July 3. Later in the season Bainbridge sailed from Boston with the Independence 74, the Erie sloop-of-war, and two smaller vessels. Being joined by the Congress frigate, which had carried Eustis to Holland, and by Decatur's squadron, and finding every thing settled, he had nothing to do but to display his force in the ports of the Mediterranean, where the eclat of the American naval victories over the British caused him to be received with marked respect. A little incident which occurred at Malaga deserves notice, as showing how natural is the

insolence of power, and how readily our navy officers could fall into the very practices of which we had complained so loudly in the British. A deserter from the Independence, being seized in the streets of Malaga by one of her officers, was discharged by the civil authority on the claim which he set up of being a Spanish citizen. Bainbridge, however, still demanded him, threatening, if he were not given up, to land and take him by force, and, if resistance were made, to fire upon the town—threats to which the authorities yielded. 1815

The return of Bonaparte to France excited a momentary alarm lest the unsettled questions of impressment and neutral rights might again come up; but his speedy downfall destroyed these apprehensions, and with them the hopes, also, of a new harvest to be reaped by neutral commerce.

The posts of Prairie du Chien and Michilimackinac having been reoccupied, steps were taken for a complete pacification of all the Northwestern tribes. At a council held at Detroit, at which were represented the Senecas, Delawares, Shawanese, Wyandots, Potawatomies of Lake Michigan, Ottawas, and Chippewas, with some bands, also, of the Winnebagoes and Sauks, and at which the famous Prophet, the brother of Tecumseh, was present, the hatchet was formally buried as between all these tribes, and as between them and the United States. Other treaties soon followed with the Potawatomies of the Illinois, the Piankeshaws, Osages, Iowas, Kansas, Foxes, Kickapoos, and various bands of the great Sioux confederacy, with several of which formal relations were now first established. Sept. 1

Some owners of Washington lots, anxious lest the question of removal might be again agitated, had erected on

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Capitol Hill a temporary building, of which a lease was taken, and in which the new Congress met. That Republican faction in the Senate which had so long embarrassed Madison, no longer existed. Of its late members, some had resigned, some had lost their seats, and others had been bought off by offices. The only opposition senators were now the Federalists, increased to fourteen in number, among them Mason, of New Hampshire; Gore, of Massachusetts; Dana, of Connecticut; King, of New York; Horsey, of Delaware; and Harper, of Maryland. The leaders on the other side were Macon, transferred from the House, of which he had so long been a member, to the Senate; Campbell, who again re-appeared from Tennessee; and James Barbour, late governor of Virginia, in which office he had been succeeded by Wilson Cary Nicholas.

The House had a hundred and seventeen Democrats to sixty-five Federalists. On the administration side were Root and Taylor, of New York; Henry Southard, of New Jersey; Findley, of Pennsylvania, now the father of the House; Wright, William Pinkney, and Smith, of Maryland, who, having lost his seat in the Senate, appeared now as member from Baltimore; Burwell, of Virginia; Calhoun and Lowndes, of South Carolina; Forsyth, Wilson Lumpkin, and Richard H. Wilde, of Georgia; Clay, Richard M. Johnson, Desha, and M'Kee, of Kentucky; M'Lean, of Ohio. General Harrison, of Ohio, and John Tyler, of Virginia were among the new members. On the other side appeared Webster, of New Hampshire; Pickering and Cyrus King, of Massachusetts; Grosvenor, of New York; John Sergeant and Joseph Hopkinson, of Pennsylvania; Hanson, of Maryland; Randolph, of Virginia, who had defeated Eppes by a very close vote; and Gaston, of North Carolina. Clay, who had been chosen to Congress in his absence, and

again, to avoid all controversy, since his return, was placed anew in the speaker's chair.

The great subjects of interest were the national finances, and especially the currency, thrown by the war into great confusion. The bank notes of New York were at fourteen per cent. discount for specie or Boston paper, those of Philadelphia and Baltimore at sixteen per cent. Dallas, struggling with the suspended banks for the privilege of supplying the country with an irredeemable paper, had refused to accept, in payment of public dues, the notes of any non-specie paying bank which did not reciprocate by receiving and paying out treasury notes at par. But in this struggle the banks had the best of it. The treasury notes under $100 being fundable, at the pleasure of the holder, in seven per cent. stock, were of greater value than the bank paper, and, instead of passing into circulation, they were collected and converted into stock. The holders of a part of the over-due treasury notes of the older issues were content to accept in liquidation a six per cent. stock, at the rate of ninety-five dollars in stock for every hundred dollars in notes.

The unpaid portion of the old Revolutionary debt amounted to thirty-nine millions, about half of it in three per cent. stock. A new debt had been contracted in the prosecution of the late war of sixty-three millions, partly in seven per cents., but mostly in six per cents., to which was to be added seventeen millions of unfunded treasury notes, and a large mass of unliquidated claims. The amount of this new debt was, however, but a very small portion of the pecuniary loss occasioned by the war, and by the policy in which it had originated. That policy had for seven years interrupted and almost destroyed the foreign trade of the country, a trade which, in spite of all belligerent encroachments and interfer-

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ences, might, had the merchants been left to themselves, have produced nearly as ample commercial returns as during the seven years preceding, not only paying off the entire national debt, but accumulating a great mass of capital in the hands of individuals. The business men of the country would thus have been placed in the best condition possible for meeting the great mercantile change about to take place, instead of being called upon, as they were, with capitals dilapidated, vessels captured by the enemy or half rotten at the wharves, warehouses empty and ruinous, grass growing in the streets of many once busy marts, and the currency in a complete state of derangement, to encounter a new course of trade, of which falling prices, sharp competition, and small profits if not ruinous losses, were to be the chief characteristics. Foreign commerce, especially the importation of foreign goods, had indeed revived, and, under the present double duties, bonds to an unexpected amount were rapidly accumulating in the treasury. This seemed to many a proof of prosperity; but the question begun to be asked by the more wary, now that the carrying trade was at an end, and the exportation of provisions sure to be greatly curtailed, how were all these imports to be paid for?

Notwithstanding the intervention of peace, the necessary expenditures of the current year, including the arrearages of the last, were reckoned by Dallas at not less that fifty millions. The means, including the balance in the treasury, and thirty-one millions of loans and treasury notes, would amount to only forty-nine millions, showing the actual income of the year, notwithstanding the increased aid from duties on imports, to be less than sixteen millions, hardly sufficient to pay the current expenses. The expenses for 1816, including arrearages and redemption of outstanding treasury notes, were esti-

mated at not less than forty-three millions—an amount which, according to the calculations of the treasury department, the existing system would fail to produce, since the double duties would cease in February on all articles not liable to internal duty. As a substitute for this system, Dallas proposed to reduce the direct tax one half, to repeal the most onerous and unpopular of the internal taxes, especially those on domestic manufactures, and to supply the deficiency by an augmented tariff of duties on imports. This tariff, amounting, on an average, to an increase of forty-two per cent. above the old rates preceding the war, was to be arranged with particular reference to the encouragement of domestic manufactures. By the natural sequence of that policy which had called these manufactures into existence, this encouragement had been zealously urged in the president's message. "However wise the theory may be," so the message had put the case, "which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and, in some respects, even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief that, with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional compe-

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titions from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more or less entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures when the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded."

Dallas had in view a permanent revenue, to be raised partly by internal taxes, but chiefly by duties on imports, sufficient to furnish sixteen millions for current expenses, and ten millions annually toward the interest and extinguishment of the public debt. A considerable party in Congress was anxious to abolish at once all the internal taxes, to reduce the army and navy to the old level, and to return to the frugal system of Jefferson, under whom the current expenses had not amounted to the half of sixteen millions. M'Kee and Harden, of Kentucky, protested against the continuation of taxes, to which the people had only submitted under the pressure of war, and from which they had been promised relief as soon as peace was obtained. Clay, on the other hand, was for maintaining the revenue and the public force at a respectable point, especially in the present state of foreign affairs. Our relations with Spain were still very unsettled. It might soon become expedient to assist the people of South America in their struggle for independence. The Congress of European potentates at Vienna were pushing their ideas of legitimacy to great extremes,

and was it certain that we should wholly escape their influence? CHAPTER XXX.

Randolph, with his usual caustic wit, ridiculed as Quixotic the idea of helping the South Americans to liberty—a thing of which they were utterly incapable. Calhoun took the same general ground with Clay, pointing out internal improvements—a subject, as well as that of a protective tariff, distinctly brought forward in the president's message—as another object, in addition to the maintenance of a respectable army and navy, to which revenue might be usefully applied. "Gentlemen ought not to give in to the contracted idea that taxes were so much money taken from the people. Properly applied, the money proceeding from taxes was money put out to the best possible use for the people." "The broad question was now before the House, should this government act on an enlarged policy—should it avail itself of the experience of the last war, or should we go on in the same old imbecile method, contributing nothing by our measures to the honor and reputation of the country?" These arguments prevailed with the House, and a portion of the internal taxes were, for the present, retained. 1816.

The new tariff scheme, as reported by Dallas, arranged imported articles into three classes: 1st. Those of which a full domestic supply could be produced; 2d. Those of which only a partial domestic supply could be afforded; and, 3d. Those produced at home very slightly, or not at all. In the first class were arranged cabinet wares, carriages, cables, and cordage, hats of all kinds, straw bonnets, umbrellas and parasols, iron castings, cannon, firearms, window glass, leather and all manufactures of it, paper of every description, blank books, and printing type. Upon these articles Dallas proposed a duty heavy enough to secure the market to the domestic manufacturer, leav-

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ing it to domestic competition to keep down the price. In the tariff as adopted this duty was fixed at thirty-five per cent. ad valorem, except on cannon, arms, and printers' type, charged twenty per cent., and except on certain articles charged with specific duties—tarred cordage three cents per pound, untarred cordage four cents, window glass from two dollars to three dollars and a quarter the hundred square feet, boots a dollar and a half, and shoes fifteen to thirty cents per pair.

In Dallas's second class were placed cotton and woolen goods, iron and most of its coarser products, manufactures of copper, brass, tin, and pewter, and plated wares, distilled spirits, beer, ale, and porter. On these articles he suggested an average duty of twenty per cent., as still leaving the door open to foreign competition, while it afforded a fair protection to the domestic manufacture, which might finally, under this encouragement, supply the market entirely; but in favor of cotton and woolen cloths, branches of industry which had grown up almost entirely since the embargo, he was disposed to go somewhat beyond this limit. The manufacturers of cotton represented themselves as having a capital invested of forty millions of dollars, giving employment to a hundred thousand persons, mostly boys and females, and consuming annually 27,000,000 pounds of cotton, from which they produced 81,000,000 yards of cloth, worth, at the average price of thirty cents the yard (four or five times the present price), $24,300,000. The manufacturers of woolens claimed to have a vested capital of twelve millions, to employ fifty thousand workmen, and to consume raw material of the value of $7,000,000, wrought into cloth of the value of $19,000,000. These fabrics had enjoyed, under the war duties, a protection of about thirty per cent., for which Dallas proposed to substitute

a duty of twenty-eight per cent. on woolens (except blankets and worsted goods, of which the domestic supply was small), and on cottons a duty of thirty-three and a third per cent., with a proviso that all cottons should be taken to have cost at least twenty-five cents the square yard. It was upon these duties on cottons and woolens, as the most extensive in their operation, that the principal struggle took place. The mercantile representatives denounced the system of protection to American manufactures as but a mere continuation of that scheme of commercial restrictions and government interferences which had already involved the country in so many calamities. The great body of the Federalists, forgetting Hamilton's famous report on manufactures, which was now republished with applauses in the Democratic newspapers, opposed the protective policy, as well on this ground as on that of the generally debased character of manufacturing populations. Several of the old school southern Democrats, headed by Randolph, objected to the scheme of protection that it tended to build up the manufactures of the Middle and Eastern States at the expense of the South. But apart from the broad national views then entertained by Calhoun and others, the cotton-growing states had, at that time, a particular interest in encouraging the domestic manufacture of cotton. Not only did Great Britain impose a heavy discriminating duty on the raw material to the disadvantage of American cotton growers, but of the coarser cotton fabrics imported into the United States, most of them coming from India were the product of a foreign material. Hence this new tariff scheme, opposed by Webster and most of the New England men, received the support of Calhoun and Lowndes, by the latter of whom the bill was reported.

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After a good deal of chaffering, the duty on both woolens and cottons was finally fixed at twenty-five per cent., to be reduced, after three years, to twenty per cent. The important principal of minimum valuation was also retained. The duty on rolled and bar iron and anchors was $30 the ton, that on bar and bolt iron, not rolled, $7, that on sheets, rods and hoops, $50 the ton. Nails were to pay three cents, spikes two cents, and iron wire and steel wire from five to nine cents per pound; steel, $20 the ton. Spirits were to pay from thirty-eight to seventy-five cents per gallon, according to proof, with a discrimination of four or five cents in favor of the domestic distillation from grain. The duty on brown sugar was fixed in favor of the Louisiana planters, at three cents per pound; that on loaf sugar, at twelve cents. On most of the other articles of the second class, including, linens, sail-cloth, and glass and china ware, a duty of twenty per cent. ad valorem was imposed. Upon the great mass of other articles constituting Dallas's third class, the rates were mostly fixed with a view to revenue only: on molasses, five cents per gallon; on coffee, five cents, on cocoa, two cents per pound; on tea, from twelve to fifty cents per pound, according to quality; on white sugar, four cents per pound; on wines, from twenty-five cents to a dollar the gallon; on salt, forty cents the hundred weight; on coal, five cents the bushel; on silks, stuff goods, and blankets, fifteen per cent. ad valorem.

However ready Dallas might have been to establish a government non-specie paying bank, as a desperate resource under desperate circumstances, or however he might lately have struggled with the suspended banks for the privilege of supplying the people with an irredeemable paper, he did not fail to perceive, in the exist-

ing state of the currency, a daily increasing source of embarrassments and losses. He had attempted, but without success, to induce the banks to associate for mutual check and regulation. Already the more prudent began to refuse the bills of the others. Nothing, it was evident, could put a stop to increased depreciation and utter confusion of the currency, except a return to specie payments. The government, without a hard dollar in the treasury, and, as every quarter came round, making fresh defaults at Boston, unable to pay specie itself, was in no condition to require its debtors to do so. A return to specie payments would require the importation of a large amount of cash; nor did Dallas or the majority in Congress see any other way in which that end could be accomplished except by the establishment of a national specie-paying bank, such as might furnish both to the government and the people a redeemable currency in place of the paper of the suspended banks, which would thus be compelled either to resume or to wind up.

Dallas's plan for a bank, except in a few particulars, was modeled after Hamilton's; and the act of incorporation, as finally passed, varied very slightly from Dallas's plan. The capital was to be $35,000,000, to be paid, one fifth in cash, the remainder in stocks of the United States equivalent to a six per cent. stock, except that the government was to subscribe seven millions in five per cents. The government was also to have the appointment of five out of the twenty-five directors—a difference here from the old bank, all the directors of which had been chosen by the stockholders. The individual subscriptions, single shares being $100 instead of $400, as in the old bank, were payable in four installments, extending over twelve months; but, as soon as the first installment, amounting to $2,100,000 in cash and $6,300,-

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000 in stocks, was paid, the bank was to commence operations. To powers, duties, and restrictions the same with those of the former bank, were added the obligation to establish, at the demand of the government, an office of discount and deposit in the District of Columbia, and a like office in any state in which two thousand shares of the stock were held, on the application of its Legislature and the requisition of Congress. By a new provision, the new bank was entitled to the deposit of the public money, unless the Secretary of the Treasury, for reasons to be forthwith laid before Congress, should otherwise direct; but in return, it was to transfer public money from place to place without charge. It was also to pay, in three installments, at the end of two, three, and four years, the sum of $1,500,000, by way of bonus for its charter, which was to continue in force for twenty-one years. The government had also the privilege to pay off at pleasure such part of the stock capital of the bank as might be subscribed by individuals.

There were still a few old-fashioned Republicans, opposed to any bank as unconstitutional. The Federalists, though favorable to a bank, thought the capital of this one too large, tending to place the business of the country too much under the control of a single corporation, intimately connected with the government. The holders of stock in the existing banks were also alarmed at the creation of so mammoth a rival. Motions were made and supported by Webster, Sergeant, and others, to reduce the capital to twenty millions, and to strike out the government subscription and the government direction. But the bank, as it came from the Treasury Department, was zealously supported, as well by Calhoun, who introduced the bill and piloted it through the House, as by Clay, whose violent constitutional scruples of 1811 had

now entirely ceased to give him any trouble; and thus sustained, it passed by a great majority.

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Another bill, designed to compel the local banks to resume specie payments, was superseded by a joint resolution, introduced by Webster, requiring all dues to the United States, after the 20th of February, 1817, to be collected either in the "legal currency of the United States," gold and silver, that is, "or in treasury notes, notes of the Bank of the United States, or in notes of banks payable and paid on demand in specie."

The president's message, as already mentioned, had brought to the notice of Congress a third subject, which afterward gave rise to great political agitations. Jefferson, previously to the late commercial troubles, had suggested the application of the surplus revenue, then rapidly accumulating, to internal improvements. Following this lead, and prompted, doubtless, by the immense expenses and losses, and dangerous delays occasioned during the late war by the difficulties of internal transportation, Madison pointed out "such roads and canals as could best be executed under the national authority," as objects of a "wise and enlarged patriotism." To the inducements held out by the acknowledged utility of such improvements might be added their political effect "in bringing and binding more closely together the various parts of our extended confederacy." If any obstacle should be found in the want of express constitutional authority, that, he suggested, might be easily remedied.

Upon the strength of these recommendations, a bill was introduced appropriating $600,000 for the general purpose of internal improvements; but this, as well as another bill for continuing the Cumberland Road, failed to pass, the objection being taken, among others, that as yet there was no surplus. The sum of 350,000 was,

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however, appropriated for completing that part of the Cumberland Road already begun.

1816. While Congress thus hesitated, the state Legislatures had already begun to act. Virginia, destined to be soon greatly outsped, had taken the lead by the establishment of an internal improvement fund. The Erie Canal project was also revived in New York. Similar improvements began to be talked of in Pennsylvania and North Carolina. Indeed, it was for the purpose of "systematically completing" these state improvements that the general government was, in Madison's opinion, "the more urged to similar undertakings, requiring a national jurisdiction and national means."

Notwithstanding its hesitation as to this new branch of expenses, nothing in the way of niggardliness could be charged upon the appropriations of this Congress. nearly fourteen millions were voted for arrears of the War Department, principally for the payment of militia called out in the latter months of the war; and near a million to supply the empty arsenals. A million annually was appropriated toward creating a navy of twelve seventy-fours, twelve forty-fours, and four steam batteries. Appropriations were also made for fortifications; and a general scheme of coast defense was devised, upon which very large expenditures have ever since continued to be made. Additional sums were voted for the reparation of the Capitol and other public buildings at Washington, and for the inclosure of the grounds about the Capitol; also, the sum of $250,000 for the purchase of custom-houses at Boston, New York, Philadelphia, Baltimore and Charleston, where, hitherto, hired buildings had been employed, the only custom-house belonging to the United States being that at New Orleans. The sum of $100,000 was voted to the officers and crews of the Wasp,

Constitution, and Hornet, for their concluding captures during the late war, and as much more to the Mediterranean squadron, as prize money for the Algerine vessels given up on the conclusion of peace. Invalid pensions were increased. Half-pay for five years was granted to the widows and children of all militia-men and volunteers who had died in the service or from wounds received in it. Grants of land and three months' additional pay were given to a body of Canadian volunteers, principally emigrants from the United States, enlisted during the invasion of Canada. A bill was also passed for the benefit of the Western mounted volunteers, intended to indemnify them for lost horses, but providing, in general terms, for the payment for property lost, captured, or destroyed during the war—an act which led to such immense claims, that at the next session it was found neccesary essentially to modify it.

While thus generous to others, the members of Congress were not forgetful of themselves. Their compensation had hitherto stood at six dollars a day. Upon complaints of increased cost of living, they now substituted an annual salary of $1500, without regard to the length of the session. Bills were also introduced for increasing the salaries of foreign ministers and other officers, but these failed to pass. An act allowing to settlers on public lands a pre-emption right of 320 acres, the first of a long series of similar enactments, was not carried without much opposition. It was but a mere act of justice, yet showing the decline of party spirit, that, while Hamilton's ideas were so largely made use of in the attempted reconstruction of the finances, an act was at length passed granting to his widow the amount of the commutation for his revolutionary half-pay.

In the course of the session the old question was re-

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vived, so much agitated in 1795, as to how far the treaty-making power depended for the validity of its acts on the concurrence of the House. The Representatives insisted that, to give effect to the reciprocity clause in the recent commercial convention with Great Britain, it would be necessary to repeal, as to her, the discriminating duties hitherto imposed. The Senate maintained, on the other hand, that the treaty, by its own virtue, repealed all those discriminating duties, though, to remove all doubts, they were willing to agree to a declaratory act. The House, led by Forsyth, insisted upon a repealing act in the usual form; but finally, upon the report of a committee of conference, the declaratory act of the Senate was agreed to.

Another subject, which, less legitimately, occupied a large share of attraction, was the selection of a successor to Madison. Monroe had entered into Madison's cabinet with the tacit understanding, as was generally supposed, that the executive influence should be exerted to keep up in his person the Virginia dynasty. So much, indeed, was this heirship considered a settled thing, that Monroe had made a sort of parade of waiving it, when, at the preceding session, he had brought forward his conscription scheme, as if he had been willing to save his country with the certainty of losing its favor. That waver was now forgotten; and all the newspapers regarded as special executive organs were busy in urging Monroe's claims. While all admitted his industry and experience, few thought very much of his talents. As a man of speculation, he was no doubt greatly inferior to Jefferson and Madison, and even his executive talent was rated higher by them than by any body else. Must the president, of necessity, be chosen from Virginia? De Witt Clinton and Armstrong were laid upon the

shelf, but why should not Governor Tompkins be president? Yet, in spite of his untiring labors, his great personal and pecuniary sacrifices, and his remarkable success in sustaining the Southern war policy, not a member of Congress from the south of the Potomac thought of him for the office; and even among the New York members and leading politicians, though all pretended to be in his favor, several were lukewarm, and others secretly opposed to him. Those who did not like Monroe were inclined to concentrate on Crawford, and, had he been disposed for a struggle, he might, perhaps, have carried the nomination. Even when the caucus, after a vast deal of intriguing, at last met, the result was not absolutely certain. Two motions were offered, the one by Clay, who had come out as a very ardent champion of Monroe, the other by Taylor, of New York, that congressional caucus nominations for the presidency were inexpedient, and ought not to be continued. These motions having failed to pass, Monroe received 65 votes to 54 for Crawford. Tompkins was obliged to be content with the vice-presidency, for which he received 85 caucus votes to 30 for Governor Snyder.

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March 16

The Federalists, though not strong enough to produce any effect on a presidential election, unless by taking advantage of a division among the Democrats, still maintained the political control of the four eastern New England states, and of Delaware and Maryland, with a powerful influence, also, in Vermont and New York. But, besides the tendency to a dissolution of parties, arising as well from the termination of external controversies as from the complete conversion of the Democratic party to Federal, if not ultra-Federal ideas, new causes began now to operate, destined to hasten this result. Massachusetts, Connecticut, and New Hampshire

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still continued to be distinguished from all the other states of the Union by the original and fundamental provision, coëval with the planting of those states, of the support by law of religious institutions. The Congregational clergy, to whose benefit this provision chiefly inured, thus secure of a permanent though moderate support, and holding their parishes by the tenure of orthodoxy and good behavior, had all along formed a powerful element in the state. They had, in fact, been the standard-bearers of that section of the Federalists whose opposition to the national administration had arisen, not merely or mainly from mercantile views of commercial interest, or desire to share the honors and emoluments of office, but from fundamental ideas of right and wrong, truth and justice, disregarded, in their view, by the American government, in its disposition to side with Bonaparte as against Great Britain. This idealistic character of their political motives, if it had given to their opposition a strong tinge of the old puritanical fanaticism, had also given to it a puritanical firmness and decision, formidable indeed to those against whom it had been directed. But this establishment, the main pillar of the New England Federal party, was already shaken by causes both external and internal.

July.

As the dream of a political regeneration, evoked by the French Revolution, vanished amid the clash of bayonets and before Bonaparte's imperial nod, a strong revulsion had sprung up, as we have had occasion to notice, in America as well as in Europe, to the old ideas of religion, as, after all, the only means of human salvation, present or future. Under the impulse of this revulsion, great efforts had been made, in all the states where no establishment existed, to build up religious institutions and organizations upon the voluntary principle—efforts

rewarded by the rapid increase of Baptist, Methodist, and Presbyterian churches, united, by ties more or less strict, into aggregate associations, already fast extinguishing the philosophical deism which Jefferson had patronized, and fast assuming, though without legal or constitutional recognition, all the airs and authority of a spiritual autocracy, only partially prevented by the disputes and jealousy of the rival claimants from usurping an almost dictatorial control over public opinion.

This religious excitement, characterized, often, among the more uncultivated, by very great extravagance, had also spread into New England; but there it encountered a very warm resistance from the regular clergy, who strenuously insisted on the old New England doctrine of the necessity of a learned ministry, denying, what the sectaries generally maintained, that a change of heart and an internal call were sufficient, without human learning, to qualify men to teach religion and morals. The same idea as to a learned ministry prevailed, also, among the Episcopalians and the Presbyterians of the Middle and Southern States, among whom the Federalists of those states were chiefly to be found; but among their illiterate masses, this view, no more than New England ideas of politics, could not make any headway, nor, indeed, hold its own against the other and more popular opinion, which, as to matters of religion, placed the most learned and the most ignorant on a perfect level of equality. Even in New England the sectaries rapidly increased, arranging themselves, almost to a man, through their common hostility to the regular clergy, under the Democratic leaders, though several of the more conspicuous of those leaders were, more or less openly, the religious as well as political disciples of Paine and Jefferson.

But, besides this attack from without, the prevailing

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religious excitement made itself still more seriously felt within. The Whitefieldian revival of 1740–70 had left, as it had found, within the New England establishment, two elements, which, though held together by mutual interest and mutual forbearance, did not, and could not coalesce. The latitudinarian party, which, in spite of Whitefield, had retained its predominance in the churches, thought religion of consequence principally as affording security for government and property, and a basis for morals. They believed the day of inspiration to be passed. They extolled the Bible, indeed, as the inspired basis of religious faith and practice, but they insisted upon an interpretation of it, such as should make it correspond to the growing demands of reason and science. Deriving aid from the very revivalists themselves, building upon the doctrine which Edwards had maintained, that virtue and holiness are the same thing, benevolence not merely in sentiment but in action—a doctrine which Hopkins pushed, with remarkable steadiness, to its logical consequences, so far as man alone was concerned—this section of the Congregational Church of New England, producing first a Buckminster and then a Channing, had advanced step by step to a repudiation of all the five distinguishing points of the Calvinistic theology. Especially did they deny, not only as false in fact, but as inconsistent with the idea of a benevolent Deity, the fundamental doctrine of the total depravity of man; instead of which, this new school was inclined to substitute a natural dignity and goodness of human nature—a natural capacity for and tendency to indefinite advancement, when not kept down by untoward circumstances—a view much more consistent than that of the orthodox theology with the Democratic theory of politics.

In the other, the Whitefieldian, or, as they began to

call themselves, the evangelical section of the Congregational churches, the growth and spread of this heresy produced not a little alarm. In the idea of the natural, or, according to Edwards's attempted distinction, the moral incapacity of man for goodness, and the possibility and necessity of a supernatural impulse from without to produce a change of heart—to be superinduced, however, by human efforts—they agreed with the sectaries. This idea, and the enthusiasm which it inspired, seemed, indeed, to be the secret of the success of the sects, whose growth and spread, they thought, could most successfully be resisted on the principle of kindling one fire to burn out another, while latitudinarianism might, at the same time, be extinguished by a religious revival within the churches themselves.

The head-quarters of the evangelical party was Yale College, President Dwight, a grandson of Jonathan Edwards, being one of its most conspicuous leaders. They gradually obtained complete control of the Connecticut churches, and the same was the case in New Hampshire and Vermont. But in Massachusetts they were less successful. Harvard College was in the hands of the Latitudinarians, who possessed, also, all the ancient Congregational churches of Boston, besides many others in different parts of the state. It had become necessary to found the Andover Theological Seminary (1808), as the source and seat of a purer theology, and meanwhile to send evangelical ministers from Connecticut to convert backsliding Boston, a work prosecuted with zeal, but at first with slight success. The rise of the evangelical party had been signalized by a growing austerity, a denunciation of every thing in the shape of amusements, public or private, and especially by an outburst of zeal for the more Jewish observance of Sunday. Numerous

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petitions had been presented to the state Legislatures, as well as to Congress, against the Sunday carriage of the mail; many annoying attempts were made to enforce old and obselete laws against Sunday traveling; and those Federalists of New Hampshire and Connecticut belonging to the "Liberal party"—for such was the name by which the Latitudinarians began now to designate themselves—saw no other means of protection against the rigors of Puritanical legislation than to join the Democrats in overthrowing an establishment with which they no longer sympathized. Even the most liberal of the clergy were very chary of open opposition to these new religious rigors; but the body of the intelligent and educated laymen, among whom latitudinarian ideas were completely predominant, were as little disposed to go back to Puritan austerities as to Puritan theology. In Massachusetts, the judges of the Supreme Court put an ingenious stopper on the Sunday zealots, by deciding that an arrest on Sunday, for violation of the Sunday law, was as much a violation of the Sunday and the law as the Sunday traveling itself. But though the catastrophe, which so suddenly resulted, as we shall presently see, in Connecticut and New Hampshire, was thus, in Massachusetts, averted for the moment, the fall of the establishment was only a little delayed. The evangelical Congregationalists, finding it impossible to dislodge the Latitudinarians, imbibed, day by day, more of the spirit of the sects, whose conduct they imitated in setting up opposition conventicles, often under the very eaves of the ancient parish churches—a course of conduct by which they prepared themselves to lay parricidal hands on an establishment of which, since they could no longer control it, they began to doubt the justice and utility.

It was through the defection of a part of the Federal

ists, from the causes above indicated, that Gilman was superseded, as governor of New Hampshire, by Plumer, with a Democratic majority in both Houses. This triumph was immediately improved by retorting on the Federalists their late change in the judiciary. The Federal judges were removed by the governor, on an address from both Houses, and Democrats were appointed in their places. An attempt was also made to remodel Dartmouth College, whose self-perpetuating board of trustees were all Federalists and evangelical Congregationalists. An act was passed changing the name to Dartmouth University, and enlarging and modifying the board of trustees. The old board having refused to submit to these changes, the governor, at the next session of the Legislature, referred it to that body to consider "whether a few individuals, not vested with any judicial authority, should be permitted to declare the enactments of the Legislature dangerous and arbitrary, unconstitutional and void; whether the majority of the trustees of a literary institution, formed for the education of their children, shall be encouraged to inculcate the doctrine of resistance to the law, and their example be tolerated in disseminating principles of insubordination and rebellion against government." The Legislature responded in an act to punish by fine all who should claim any authority in opposition to their new board of trustees. The new university got possession of the records and the buildings; but the old college retained most of the students, and, after two or three years of litigation, the Supreme Court of the United States finally decided that those whom the Democratic governor had stigmatized as rebel preachers of seditious resistance to the laws, had but acted the part of good citizens in defense of their rights. The original charter of the college was declared to be in substance a

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contract, and its modification, without the consent of the trustees itself, an illegal violation of the Federal Constitution. So the university vanished and the college regained its property and position.

March.

In Massachusetts, Dexter had again been brought forward as the Democratic candidate, now by his express consent. In place of Strong, who declined a re-election, and whose decidedly evangelical religious sentiments might have stood in his way as against Dexter, the Federalists nominated John Brooks, an old Revolutionary officer, and, during the late war, adjutant general of the state. The Republicans contrasted him with Dexter as less wealthy and less able; to which the Federalists tartly replied, in terms which showed the violence of political feeling, that Dexter was only used as a stepping-stone to office by a set of men rebellious when out of power, and tyrannical when in; enemies of law, liberty, and religious institutions; hostile to the Federal Constitution, which they had sought at one time to reduce to a nullity, and at another to convert into the instrument of arbitrary power; partial in their opinions and feelings toward foreign nations; covetous of office and preferment, and corrupt and mercenary when they had obtained them; revilers and libelers; conscious of their own want of talent, and obliged to rely for candidates upon such renegade Federalists as political ambition had induced to join them; a set of unprincipled demagogues, sure to ruin any state of which, by playing on the bad passions, they succeeded in obtaining control. Dexter, who died shortly after, was defeated by Brooks by 49,000 votes to 47,000. The Federal majority in both Houses was, as usual, much more decided than the vote for governor would indicate.

The Federalists had also carried Rhode Island, and

Connecticut, of course; but, even in that stronghold, an incipient revolution began to show itself. The Episcopalians of Connecticut, though not numerous, were distinguished for wealth and intelligence. Hitherto they had been zealous supporters of Federal politics, though on more than one occasion they had taken offense at the ecclesiastical policy of the state; but now that the engrossing questions of foreign relations were disposed of, they were ready, as were also some of the Federal latitudinarians, alarmed at the growing rigor of the Congregational ministers, to join the sectaries and the Democrats in a new movement, in behalf, as they expressed it, of religious liberty. To secure the aid of these new allies, the Democrats, imitating the example set in Massachusetts, had brought forward as their candidate Oliver Wolcott, Hamilton's successor as Secretary of the Treasury, and for the last sixteen years a resident at New York, where, as president of the Merchants' Bank, and then of the Bank of North America, he had held a high financial position. His long absense from the state left him free from local entanglements, and had, doubtless, tended to liberalize his opinions. As a moderate Federalist, he was likely to draw votes from that side. He had also a sort of hereditary claim, by no means without weight, even in Democratic America, to an office which his father and grandfather had both held before him. John Cotton Smith, the Federal incumbent, carried the election, but only by a few hundred votes. The opposition candidate for lieutenant governor, an Episcopalian Federalist, was elected; and the opposition obtained a strength in the Assembly such as they had never before possessed.

In New York, Tompkins was rechosen governor by a decisive vote over King; the Democratic party obtaining

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also, for the first time since the declaration of war, a majority in both Houses.

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Hitherto, in Maryland, a Senate unanimously Democratic, and holding office for five years, had stood in the

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way of Federal predominancy. A new election secured a unanimous Federal Senate, with an increase, also, of their majority in the House. This result called attention to the fact that, in consequence of the rapid growth of Baltimore, and other changes in relative population, the political control of the state, under the existing Constitution, rested with a decided minority of the voters. The same result was complained of as having occurred in Virginia, especially in the constitution of the state Senate. A convention of the inhabitants of Western Virginia was held at Staunton, to devise measures for regaining their due political weight; but the Legislature refused to listen to them.

In Louisiana, on the expiration of Claiborne's term of

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office, James Villere, the candidate of the Creoles, or native Louisianians, prevailed over the opposition of the American immigrants.

INDIANA having formed a state Constitution, under authority given for that purpose at the late session of Congress, chose Jonathan Jennings as her first governor. His term of office was three years, and that of the state senators the same. The right of suffrage was given to all adult males, residents in the state for one year. As in the Louisiana Constitution, inequality of representation was guarded against by a provision for frequent reapportionments.

The people of Tennessee had regarded the tract of country on the southern course of the Tennessee River as yielded up by the late Creek cession. It was claimed, however, toward the east by the Cherokees, and toward

the west by the Choctaws and Chickasaws. A recent treaty signed at Washington, by recognizing the Cherokee claim, had given great offense in Tennessee; and by a new treaty held in consequence of these murmurs, the Cherokees were induced to limit themselves, on the south side of the Tennessee, to the parallel of Huntsville. The Chickasaws and Choctaws also relinquished, by two other treaties, all claim to territory east of the Tombigbee, except the valley of Bear Creek, a small tributary of the Tennessee. Almost the whole of the present State of Alabama, and a large tract in Southern Tennessee, were thus laid open to settlement. The Chickasaws, besides reservations and special gratuities to certain influential chiefs, received as consideration $4500 down, and an annuity of $12,000 for ten years; the Choctaws, $10,000 down, and an annuity of $6000 for twenty years; the Cherokees, $5000 down, and an annuity of $6000 for ten years. They had also received, by the treaty of March, $5000 in consideration of the relinquishment of any claims of theirs to any part of South Carolina.

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Sept. 20. Oct. 24.

Loud complaints had been made by the Georgians of the asylum to runaway slaves afforded by the Floridian fort on the Apalachicola, built by the British colonel, Nichols, and which, at the close of the war, he had given up with its cannon and magazines, to his Indian and negro allies. A body of Creeks, under their chief, M'Intosh, marched to attack the fort, and to co-operate with them Colonel Clinch descended from Camp Crawford, on the river above, with a body of regular artillerists. While Clinch was preparing to erect batteries, three gunboats arrived from New Orleans, one of which, by a red-hot shot, succeeded in blowing up the magazine. Some three hundred and fifty persons, partly Indians and partly negroes, and many of them women and children, perished

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in the explosion. The fort was immediately taken possession of, and the black commander and the Indian chief, being made prisoners, were put to death in cold blood, nominally by the Indian allies. Clinch returned in triumph, with a number of negroes claimed as runaways. Such was the prelude to the first Seminole war.

The late act giving to members of Congress a regular annual salary of $1500, had thrown the country into a great state of excitement. The ancient and popular doctrine of keeping the public functionaries on short allowance had been revived in full vigor. The Federal Legislatures of Massachusetts and Rhode Island took the lead. The ultra-Democratic states of Georgia and Kentucky responded in full chorus. Many members at the ensuing election lost their seats, while others, and Clay among the rest, were driven to a very close canvass.

The resumption of specie payments, a subject of vastly more importance, attracted but little attention in comparison. Georgia had acted efficiently by chartering a new bank on a specie basis, with a special view to resumption. The State Bank of South Carolina was also disposed to co-operate. The Legislature of Virginia had passed an act requiring her banks to resume on the 1st of November. Dallas pressed upon all the state banks to enter into a mutual arrangement for resuming on the 20th of February, 1817, the day fixed by the joint resolution for the government to cease receiving irredeemable

Aug. 6. paper; but a convention of the banks of the Middle States, many of which were utterly insolvent, postponed resumption till the following July, and the Ohio banks resolved that they could not resume till the Atlantic banks had first set the example. The Legislature of Virginia specially called together, so far retracted as to postpone the resumption in that state till the 20th of February.

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The opening of books for the United States Bank stock produced subscriptions to the amount of twenty-five millions. The remaining three millions, open to be subscribed by individuals, was at once taken up by Girard, but soon disposed of by him to other speculators. The first installment being paid in, the mother bank was organized at Philadelphia, with branches at Boston, New York, and Baltimore. Other branches were presently established at Portsmouth, Providence, Middletown in Connecticut, Washington, Richmond, Norfolk, Charleston, Savannah, New Orleans, Lexington, and Cincinnati; and others, not long after, at Louisville, Chilicothe, Pittsburg, Fayetteville, and Augusta.

Aug. 9

Nov.

Having thus apparently put matters into train, Dallas resigned his office, returning to the practice of the law as means of providing for a young family; but his career was soon closed by death. Importations had gone on at an immense rate, and Crawford, who succeeded Dallas in the Treasury Department, was able, when Congress came together, to give a very flattering account of the finances. The revenue for the year was calculated at forty-seven millions, thirty-six from customs, upward of four from the direct tax, five from the internal duties, and a million and a half from lands. The new year would begin with ten millions in the treasury. The Treasury notes having been mostly canceled, the public debt now stood at $105,000,000, almost the whole of it funded. As the prospect for the next year was almost equally flattering, the direct tax was not renewed. The annual appropriation toward a sinking fund for the interest and principal of the public debt was raised, as Dallas had proposed, to ten millions. Nine millions of the surplus in the treasury was also made over to that fund, and the same destination was given to any future

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balance in the treasury beyond outstanding appropriations, and a reserve of two millions—an arrangement, it was calculated, which might discharge the entire debt in the course of fourteen years.

To facilitate the settlement of accounts, which had greatly accumulated, in place of several officers created during the war, four new auditors and a second controller were added to the Treasury Department. To the second auditor was assigned the settlement of all accounts relative to the pay and clothing of the army, subsistence of the officers, bounties, military and hospital stores, and contingent expenses of the War Department; to the third auditor, all other military accounts, including the subsistence and quarter-master's departments: to the fourth auditor the naval accounts; and to the fifth auditor, all accounts relative to the post-office, State Department, and Indian affairs. The new controller was to pass judgment on the decisions of the second, third, and fourth auditors, those of the first and fifth auditors being reserved for the first controller. The commissioners of loans were dispensed with, their duties being now assumed by the United States Bank. By another important act, a stop was put to a practice, heretofore in use, and by which the intentions of Congress had sometimes been defeated, of the transfer of moneys, by the president's authority, from one head of expenditure to another.

The local deposit banks, by reason of the narrow limits of circulation under the existing system, and perhaps by a little policy on the part of the secretary, had been increased to near a hundred, including all of any consequence in the South and West; and to induce them to concur in the proposed resumption of specie payments, Crawford offered to let their deposits lie till the middle

of the year, and then to draw out the money only as it might be needed in the course of expenditure. If they did not come into this arrangement, he threatened to transfer their balances at once to the new National Bank. The National Bank, on its part, promised, also, indulgence and support; and, under these circumstances, the local banks did not venture any longer to refuse. By the help of a loan of half a million from the new bank, whose notes now began to make their appearance, the government, after more than two years of dishonor and suspension, was enabled, at the beginning of the new year, to resume payment on their obligations at Boston.

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Things seemed to be going on swimmingly; but, by a gross irregularity, if not a direct violation of their charter, the directors of the new National Bank began business by discounting the notes of certain speculating stockholders at Philadelphia and Baltimore, on the security of a pledge of the stock itself, in order to furnish them with the means of paying the second installment on their subscriptions. This abuse, carried still further as to the third and fourth installments (the stock being taken as security at rates above par), greatly curtailed the real capital of the bank, and involved, in the end, very heavy losses. Meanwhile an agent was sent to Europe to buy and ship specie at the expense of the bank.

The claims against England for commercial spoliations had been wiped out by war. Those against France, Spain, Holland, Naples, and Denmark still remained to be settled. Gallatin at Paris, and Eustis at the Hague, had been instructed to press this subject. William Pinkney, the former embassador to London, appointed, in Bayard's place, as minister to Russia, had been also commissioned to take Naples in his way, and to ask payment for the vessels and cargoes formerly confiscated by

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Murat. The restored Bourbon government seemed to think it strange, as appeared from the correspondence now laid before Congress, that this demand had never been pressed upon Murat himself during the years he had continued in power. They disclaimed any responsibility for the acts of a usurper, by whom they had suffered still more than the Americans; and, notwithstanding the display of a naval force before Naples—the new seventy-four, Washington, and several sloops-of-war —Pinkney left for Russia without being able to obtain any recognition of the claim.

It had been proposed to Spain to receive a cession of Florida in satisfaction of the claims against her; and as a further inducement, and that all controversies might be settled at once, though the United States claimed, under the Louisiana cession, as far as the Rio Bravo, it was offered to accept the Colorado of Texas as a western boundary. But to this Don Onis, the Spanish minister, had replied, by requesting, as preliminary to a settlement of disputes, the restoration to Spain of that part of Florida —the district between the Mississippi and the Perdido— taken possession of by the United States during the late interruption of diplomatic relations. He added very loud complaints against the armed expeditions fitted out from New Orleans within two or three years past, in spite of some occasional proclamations from the president, to assist the revolters of Texas and Mexico, and concluded with demanding the exclusion from the United States of the insurrectionary flags of Carthagena, Buenos Ayres, and the other revolted South American provinces. Though the American government was by no means disposed to make any such concession, yet, as many vessels were undeniably fitted out in the United States to cruise, under the insurgent flags, against Spanish commerce, and

as these cruisers, manned by privateersmen out of employment, were very little scrupulous whom they plundered, as well for the general interests of trade, as to satisfy the reclamations of Spain, an act was passed, though not without violent opposition, in amendment and extension of the neutrality laws. It imposed a fine of $10,000, and imprisonment not exceeding ten years, besides forfeiture of the vessel and outfits, upon all persons in any way concerned in fitting out, within the jurisdiction of the United States, any vessel, to cruise against any power with which the United States were at peace. March 3.

As most of the nations of Europe, since the return of peace, had adopted a very discriminating policy in favor of their own shipping, of the effects of which the navigating interest loudly complained, this policy was now retaliated by an enactment, copied from the famous English Navigation Act. Importations by foreign ships were limited to the produce of their respective countries —a provision, however, not to apply except to nations having a similar regulation. The coasting trade, hitherto open to foreign vessels, was now restricted to those American owned and built. To promote the increase of American seamen, all coasting and fishing vessels were required to have crews three fourths of whom were Americans, and all registered vessels crews of whom two fifths were Americans, under penalty of an additional tonnage duty, and, in case of fishing vessels, forfeiture of the fishing bounties. March 1.

One of the first acts of the session had been the repeal of the Compensation Act, about which such a clamor had been raised. Several of the members, Randolph, Pickering—who, in consequence of his vote on this question, had declined a re-election—Grosvenor, Calhoun, and a few others, had the courage, in the face of the public

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clamor, to argue in favor of letting the act stand. They did not consider a salary of $1500, in addition to the travelling fees, a compensation by any means too great for that sacrifice of private interests and business necessarily made by members of Congress. This reasoning seemed, indeed, so conclusive, that the members allowed the act to stand as to themselves; but they repealed it after the end of the session, without, however, being able to agree on any provision for the future, which they left for the next Congress to settle.

Additional appropriations were made for the rebuilding of the Capitol, and for the inclosure and ornament of the grounds around it, hitherto open and waste; and the president was authorized, by a joint resolution, to procure for the ornament of that building four large paintings of Revolutionary scenes from the pencil of John Trumbull. It had been the great ambition of Trumbull to perpetuate on canvas the Revolutionary scenes in which he had himself participated. He possessed and freely used a great collection of Revolutionary portraits, the products of his own pencil. This has given to his four pictures, executed under this order, a peculiar value, nor, however they may strike the artistic eye, will they ever fail of a response from the patriotic soul. Trumbull was, in fact, no unworthy successor of Copley and West. He, Stuart, and the elegant Malbone, all New England men, had elevated portraiture to a level far above that as yet reached in America by any other of the elegant arts.

The authority so often asked was now at length given to the inhabitants of the eastern portion of the Mississippi Territory, to establish a state government; the western portion of that territory being erected into the

new Territory of ALABAMA, of which William W. Bibb, of Georgia, was appointed the first governor.

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The rapid extension, since the peace, of settlements in the Southwest, and the great profits derived there from the cultivation of cotton, had not only caused the revival of the African slave trade, in spite of the prohibitory laws, but it had given occasion to a rival domestic slave-trade, of which Washington had become one of the seats, carried on by professional slave traders, who employed themselves in buying up the slaves of the impoverished but still populous districts of Maryland and Virginia, for transportation to the new and rising settlements of the South and West. This new traffic, including so many of the worst features of the African slave trade, had deeply impressed the sensibilities of Randolph, by whom it had been denounced, at the preceding session, as "heinous and abominable," "inhuman and illegal." But, however the facts reported by a committee of inquiry, which he had then moved for and obtained, might seem to justify the three first epithets, this traffic appeared to come precisely within the range of those legal rights of ownership for which Randolph, when the act was passed for abolishing the African slave trade, had himself been so strenuous, not to say so extravagant a stickler.

A not less violent denunciation of this "remorseless and merciless traffic," this "ceaseless dragging along the streets and highways of a crowd of suffering victims, to minister to insatiable avarice," condemned alike by "enlightened humanity, wise policy, and the prayers of the just," came from Governor Williams, in a message to the South Carolina Legislature, in which he especially deprecated its tendency to introduce "slaves of all descriptions" from other states, "defiling the delightful avoca-

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tions of private life" "by the presence of convicts and malefactors." Thus urged, the Legislature of South Carolina passed an act forbidding the introduction of slaves from abroad. A similar act was also passed in Georgia; but this sort of legislation, though frequently resorted to on renewed occasions of alarm at the increase of slaves, has never availed anything against the demand produced by the extension of the cotton cultivation; and within two years after its passage this South Carolina act was repealed. In consequence of complaints, at the present session, that this new slave trade was leading to the systematic kidnapping of free blacks, even from free states, for which the law concerning fugitive slaves was made an instrument, a Senate committee reported a bill for the modification of that law; but it was dropped, lest it might diminish the facility of recovering fugitives.

Another remarkable movement on this subject, and the one most permanent in its results, was the formation at Washington, in the course of the session, of the American Colonization Society, in which Clay, Randolph, Wright, of Maryland, Judge Washington, and other slaveholders, took the lead. The object of the society was stated to be to get rid of the manifold evils likely to grow out of the anomalous position in which the free people of color stood, nominal freemen, but exposed by a spirit of caste (assumed to be a natural and inevitable result of the difference of race and color) to multifold disabilities and humiliations, which, while they remained in the United States, could never be removed. All reference to emancipation, whether prospective or future, was expressly disclaimed, except, indeed, so far as it might be promoted by providing a place of refuge for free people of color beyond the limits of the United States. Such a colony was said to be rendered especially

necessary by the laws of so many of the slave states, which forbade the newly emancipated to remain within their borders; especially as the free states were by no means disposed to give a hospitable reception to colored immigrants. Even Massachusetts had an exceedingly inhumane statute on this subject, obsolete and unexecuted, but still unrepealed. The Legislature of Virginia, for more than fifteen years, had contemplated, with favor, the idea of establishing some such external place of refuge; and the new society was warmly approved by a resolution of that body. This idea, derived from the British colony of Sierra Leone, planted with refugee slaves carried off from America at the close of the Revolutionary war, had received a special impulse from a recent voyage thither with a party of emigrants, undertaken by Captain Paul Cuffee, an intelligent and enterprising colored citizen of Massachusetts. 1817.

The managers of the new society having applied to Congress for assistance in obtaining a site for a colony, it was suggested by the committee, to which their memorial was referred, that as the first difficulties of settlement at Sierra Leone had been overcome, it might be best to obtain from Great Britain the liberty of transporting colored emigrants thither; and they reported a resolution authorizing the president to open such a negotiation. This, indeed, was but carrying out the old Virginia scheme. Jefferson, at the request of the Legislature of that state, not long after he became president, had made a similar application to the British government, defeated however, at that time, by the unsettled relations of the two governments. Should Great Britain again decline the application, it was suggested by the committee to obtain from her and from the other maritime nations a guarantee of the permanent neutrality of any new col

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ony that might be established on the African coast. But the representatives from the cotton-growing states looked with very jealous eyes upon this whole proceeding; the resolution failed to pass, and the society was left to its own efforts. Nor was this the only opposition. While its more enthusiastic supporters held it up as the probable means of ridding the country of the evil of slavery, there were not wanting others, and this opinion took a strong hold of the free colored people themselves, who began to denounce the whole scheme as based upon an unchristian and inhuman spirit of caste, of which the main effect would be to divert the thoughts and money of the benevolent from more generous and comprehensive plans for the improvement of the African race; plans not based upon projects of expatriation, as futile as they were narrow-minded and cruel, but upon a practical acknowledgment of the great doctrines of human rights and human equality, of which Jefferson had been the apostle, however he, no less than the great body of his Southern disciples, had seemed to prefer the theory to the practice.

Another remarkable memorial presented to Congress at its present session was that of the Massachusetts Peace Society, for a congress of nations for the settlement of controversies, indicating, as it did, a reaction of public sentiment against that system of war and bloodshed from which Europe, and at length America, had of late so severely suffered.

The session, and with it Madison's term of office, ended with a procedure somewhat remarkable, yet characteristic. Calhoun, by dint of great exertions, had succeeded in carrying through the House, by the close vote of 86 to 84, a bill appropriating the bonus of a million and a half, to be paid by the United States Bank, also

all dividends upon the public stock in that institution, as a fund for internal improvements; each state to be entitled to a share in the expenditure proportional to its representation, but to have the power to authorize the expenditure of its portion in any other state. This bill also passed the Senate, 20 to 15; when, to Calhoun's great surprise, it was cut short by the veto of the president, on the ground of a want of constitutional power in Congress to make such appropriations.

Jefferson, when he had originally suggested this employment of the surplus public money, and Madison, in renewing that suggestion in his opening messages at both sessions of the present Congress, had, indeed, referred to the possible obstacle of want of constitutional power. Yet it had hardly been expected that a president, who had so lately swallowed a national bank, and who had strongly urged, both at this and the last session, the establishment of a national university, for which the Constitution gave not the least direct warrant, could have found the arguments derived from implication and construction any the less applicable to the case of internal improvements. It is, indeed, a characteristic circumstance, that the only piece of national policy, not merely negative in its character, which Jefferson ever proposed, should have been clogged, and ultimately defeated, by the simultaneous suggestion of constitutional difficulties in the eyes of his political followers of vastly more importance than the policy itself. So far as Madison was concerned, had the majority for Calhoun's bill been more decided and more Southern, his scruples might, perhaps, have been less.

The political character of the retiring president sprang, naturally enough, from his intellectual temperament and his personal and party relations. Phlegmatic in his con-

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stitution, moderate in all his feelings and passions, he possessed remarkable acuteness, and an ingenuity sufficient to invest with the most persuasive plausibility whichsoever side of a question he espoused. But he wanted the decision, the energy, the commanding firmness necessary in a leader. More a rhetorician than a ruler, he was made only for second places, and therefore never was but second, even when he seemed to be first. A Federalist from natural largeness of views, he became a Jeffersonian Republican because that became the predominating policy of Virginia. A peace man in his heart and judgment, he became a war man to secure his re-election to the presidency, and because that seemed to be the prevailing bias of the Republican party. Having been, in the course of a long career, on both sides of almost every political question, he made friends among all parties, anxious to avail themselves, whenever they could, of his able support, escaping, thereby, much of that searching criticism, so freely applied, with the unmitigated severity of party hatred, to his more decided and consistent compatriots and rivals.

Those ultra-Federal Democrats, who rose, by his compliance, upon the ruins of the old Republican party, subscription to and applause of whose headlong haste in plunging the country into the war with England, became, for so many years, the absolute test of political orthodoxy, found it their policy to drop a pious veil over the convenient weaknesses of a man, who, in consenting, against his own better judgment, to become, in their hands, a firebrand of war, was guilty of the greatest political wrong and crime which it is possible for the head of a nation to commit. Could they even fail to load with applauses one whose Federalism served as an excuse for theirs?

Let us, however, do Madison the justice to add, that, as he was among the first, so he was, all things considered, by far the ablest and most amiable of that large class of our national statesmen, become of late almost the only class, who, instead of devotion to the carrying out of any favorite ideas or measures of their own, put up their talents, like mercenary lawyers, as too many of them are, to be sold to the highest bidder; espousing, on every question, that side which, for the moment, seems to offer the surest road to applause and promotion.

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MONROE'S INAUGURATION. NEW ENGLAND, NEW YORK, PENNSYLVANIA, STATE OF MISSISSIPPI. FOREIGN AND INDIAN RELATIONS. FIFTEENTH CONGRESS. FINANCES AND INDUSTRY. INTERNAL IMPROVEMENTS. SLAVERY AND THE SLAVE TRADE. SEMINOLE WAR. FLORIDA TREATY. CONSTITUTION OF CONNECTICUT. STATE OF ILLINOIS. MONETARY AFFAIRS—BANK OF THE UNITED STATES. SECOND SESSION OF THE FIFTEENTH CONGRESS. MISSOURI QUESTION.

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BY the original intention of the framers of the Federal Constitution, a very responsible and important part was to have been played by the electors of president. In practice they had sunk into ciphers; their office had been usurped by congressional party caucuses, and Monroe's nomination by such a caucus had been equivalent to an election. He had, in fact, received the votes of all the states, except Massachusetts, Connecticut, and Delaware, which gave to Rufus King thirty-four ballots. Three Federal electors chosen in Maryland, and one in Delaware, did not vote at all. Monroe received a hundred and eighty-three electoral votes, and Tompkins, for the vice-presidency, the same number.

March 4. The new president's inaugural address, delivered in the presence of a large concourse, from an elevated platform erected for the occasion, repudiated by implication, if not directly, every principle of that old Republican party of which he had once been so ardent a supporter, adopting, to their fullest extent, all the ultra-Federal doc-

trines of the new school, of which Clay and Calhoun were the leaders.

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It had been the idea of the old, enthusiastic Republicans, that liberty is the natural condition—the right, in fact, of man; that the men of all nations are capable of self-government; and that the non-existence of liberty any where grows only from the usurpation and detestable violence and arts of tyrants. Monroe, on the other hand, after a most elaborate eulogium on the theoretical excellence and practical success of the American system of government, fully admitted the doctrine of the Federalists, that only the intelligent and moral are capable of liberty, or fit to be intrusted with political power. It had been the policy of the old Republican party to dispense with armies, navies, and fortifications, leaving our commerce, and even our territory, to the safeguard of a just, moderate, and pacific course of conduct. This system, whether from defects in its theory, or failure to carry it faithfully out, had entirely failed; and, under "the faithful admonitions of experience," Monroe now urged, as strenuously as John Adams ever had done, the fortification of our coast and frontier, even though it might be at a very heavy expense, as the only certain security against the cost, anxiety, distress, and destruction of property which a superior naval force, with a few thousand troops on board, might at any time impose upon us. He urged, also, an army competent not only to garrison and preserve these fortifications, but to meet the first invasion of a foreign foe; such as, while constituting the elements of a greater force, might preserve the science as well as all the necessary implements of war. He professed further his faith in a navy sufficient to maintain with dignity the neutrality of the United States, and to secure the property of our citizens from spoliation in time of

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peace; with provision of means for its enlargement, in case of war, into an effective auxiliary of defense and a powerful engine of annoyance. Forgetting all the former Republican objections against the exercise of any power not expressly granted, he urged "the systematic and fostering care of the government for our manufactures;" and, notwithstanding Madison's late veto, the improvement of our country by roads and canals, "proceeding always with a constitutional sanction." This wholesale profession of Federal doctrines closed with congratulations on the "decline of party spirit," and protestations of "earnest desire and zealous exertions to promote union and harmony." Yet, for all that, Monroe did not venture to adopt General Jackson's recommendation to admit some of the leading Federalists to share in the administration. On the contrary, not only admission to his cabinet, but every office in his gift, continued to be restricted solely to those who had shown proof of exclusive devotion to the Virginia dynasty.

John Quincy Adams was recalled from London to fill the post of Secretary of State, of which the duties were performed in the interval by the Attorney General, Richard Rush, destined to succeed Adams at London. Before his departure, Adams signed a convention by which the two nations mutually agreed to restrict themselves on the lakes to four public vessels armed with one gun each—one on Lake Champlain, one on Lake Ontario, and two on the upper lakes. But the questions of the fishery, of the West India trade, and of the compensation for slaves carried off at the peace, still remained unsettled.

Crawford and Crowninshield were continued as Secretaries of the Treasury and the Navy. The Department of War was offered to the venerable Shelby, who had

been succeeded, as governor of Kentucky, first by George Madison, and, on his sudden death, by Gabriel Slaughter; but Shelby, considering his age and infirmities, wisely declined the office, which remained for some time vacant. 1817.

Shortly after his inauguration, Monroe, imitating the example of Washington, set out on a tour through the Eastern States. His declaration of principles in his inaugural address had been highly satisfactory to the Federalists, and at Boston he was received with most elaborate pomp. Embittered and hot-tempered leaders of parties, who for the last seven years had hardly deigned to speak to each other, or even to walk on the same side of the street, met now with smiling faces, vying in extravagance of republican loyalty. The "era of good feeling" having thus begun, the way was rapidly paved for that complete amalgamation of parties which took place a few years after.

Rhode Island, following the indication of the presidential election, and carried by her large manufacturing interest to that side, was already Democratic, with Nehemiah R. Knight for her governor. The same interest, combining with the new "Toleration party" of Connecticut, aided to elect Wolcott, a great advocate, also, for domestic manufactures, who was chosen governor by a majority of a few hundred votes. The same party carried the House; but as the majority of the Assistants belonged to the old school, they were thus able to stave off for a moment the changes that impended. But this only led to a revival of the old Democratic cry for a state Constitution; and that, at the next general election, became the test of parties.

Even in Boston itself the Federalists suffered a mortifying defeat. On the retirement of Ward from the congressional representation of that city, a contest co-

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curred between Jonathan Mason, an old and wealthy citizen, who, twelve or fifteen years before, had repre-

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Nov. Ritchie obtained the regular nomination; but Mason, notwithstanding, kept the field. The Democrats, on some encouragement that he would favor the new manufacturing policy, espoused his side; and by their aid he carried his election.

Divisions in the dominant party, not less violent than in former times, enabled the Federal minority to exercise no slight influence in New York and Pennsylvania. The Democrats having regained, in 1815, after an exclusion of some years, the control of the New York Council of Appointment, had turned De Witt Clinton out of his office of mayor of New York, which he had held of late by the grace of the Federalists. The Tammany men, or Bucktails, as they now began to be called, undertook, indeed, to read him out of the party altogether. But, on the resignation of Tompkins, to take the office of vice-president, Clinton's friends, led by Ambrose Spencer, to whom he had become reconciled, brought him forward as a candidate for governor, and, in spite of the opposition of the Tammany men, led now by Martin Van Buren, he obtained the regular Democratic nomination. The Tammany candidate was General Peter B. Porter, already, by Madison's appointment, commissioner under the treaty of Ghent, to run the line between the United States and Canada. The nominating caucus, on this occasion, by a modification of that system recently introduced, included not only the Democratic members of the Legislature as heretofore, but delegates, also, from the

April 15. counties represented by Federalists. The Legislature, at this same session, authorized the immediate commence-

ment of the Champlain and Erie canals; and to enable the commissioners to borrow money, they pledged, for the payment of the interest, the rents of the Onondaga salt springs, belonging to the state, and certain taxes, calculated to produce, in the whole, the annual sum of $300,000. The same Legislature passed an act for the total abolition of slavery after the 4th of July, 1827, and another abolishing imprisonment for debts less than $25—commencement of a great measure of reform, since pretty thoroughly carried out in most or all of the states. Clinton, who was chosen governor with much unanimity, since the Federalists did not care to oppose him, applied himself, with great zeal, to the construction of the canals. His energy in urging through that great work, in the face of many obstacles, and much vexatious party opposition, constitutes a permanent claim to the remembrance and gratitude of posterity far more enduring than all his party labors, or even than all Tompkins's war efforts and sacrifices.

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A convention at Harrisburg, on the principle of that which nominated Clinton, had selected as a candidate to succeed Snyder, no longer eligible, as governor of Pennsylvania, William Findlay, since Snyder's accession state treasurer, and, along with Boileau, his chief adviser. The Aurora and the Leib party raised a great outcry against this convention, as packed and overawed by executive influence. Indeed a rival convention, under their patronage, composed entirely of county delegates, specially chosen, and claiming to represent the true Democracy, had met the same day at Carlisle, and nominated as their candidate Joseph Heister. A most embittered contest ensued; but Findlay, by the help of the Federalists, was chosen by a small majority. Oct.

The Constitution of the new State of MISSISSIPPI gave,

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like that of Indiana, to all adult male white residents the right of suffrage; but a pecuniary qualification was required to hold office. The governor, chosen for two years, must possess six hundred acres of land, or other real property of the value of $2000; the senators, chosen for three years, half as much; and the members of the House, chosen annually, half the qualification of senators.

On the subject of slavery, the Constitution of this new state contained the same restrictions on the power of the Legislature embodied in the Constitution of Kentucky (see vol. iv., p. 328); but the clause requiring the Legislature to authorize emancipations was omitted, while another was inserted, dispensing with grand juries for the indictment of slaves, and, except in capital cases, with petit juries in their trials.

In the course of the summer, an agent was sent in the frigate Congress, authorized to establish commercial relations with Christophe, who, with the title of king, ruled the northern part of the late French colony of St. Domingo. The middle and southern parts constituted a separate and rival state, under Petion, as president; but he and Christophe had lately accommodated their differences, in order to present a better front against the claims of the restored French monarchy. The eastern part of the island still remained a Spanish colony. Instead of ordinary letters of credence as between independent states, this agent carried only a simple certificate of his appointment. Christophe expressed an anxious desire for friendly intercourse, but he declined to enter into any diplomatic relations not based on the ordinary formalities between independent nations. The American government hesitated, however, to recognize the independence of Hayti. The idea of negroes without white masters

did not please the South; and the relations between the two countries of America earliest emancipated from European rule, have continued, to the present day, on this anomalous footing.

One Gregor M'Gregor, claiming to have a commission from the insurgent authorities of New Grenada, Venezula, and Mexico, having collected a band of adventurers in Charleston and Savannah, took possession of Amelia Island, at the same time proclaiming a blockade of St. Augustine. In the hands of these desperadoes, the island was soon converted into a resort of bucaneering privateers under the Spanish American flag, and a depot for smuggling slaves into the United States. Another similar establishment had been previously set up at Galveston, on the coast of Texas, within the limits claimed by the United States—a sort of new Barataria, to which the old Baratarians resorted in numbers.

Under authority of the secret act of 1811, now first officially made public, the president took the responsibility of suppressing both these establishments—a thing accomplished without bloodshed. Great sympathy, however, was felt in the United States for the revolted Spanish Americans, and in spite of the neutrality laws, cruisers under their flags continued to be fitted out. Many were desirous of at once acknowledging their independence, if not of giving them substantial aid; and, to ascertain what the real condition of affairs in South America was, the president dispatched three commissioners to examine and report.

A new Indian war had meanwhile broken out on the southern frontier. Great complaints were made by the Georgia backwoodsmen of depredations by the Seminoles residing south of Flint River, and principally within the

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Spanish territory, to whom had resorted numbers of refugee Creeks, implicated in the late war. Gaines, who

1817. commanded at Fort Scott, on the north bank of the Flint, demanded of the Indians, on the opposite bank, the surrender of certain alleged murderers, but they refused to give them up, on the ground that the Georgians had been the first agressors. Under authority from the War Department to expel these Indians from the lately ceded Creek district north of the Florida line, the Indian village of Fowltown, a few miles below Fort Scott, was attacked in the night, and three or four of the inhabitants killed or taken, the rest escaping into the woods. A second attempt to bring off the Indian corn and cattle brought on a fresh skirmish, in which two or three were killed on both sides. The Indians revenged these attacks by waylaying a boat ascending the Apalachicola with sup-

Nov. 30. plies for Fort Scott. Of forty men and a number of women and children on board, all were killed except six men and one woman. Gaines thereupon called out a body of Georgia militia, having received, meanwhile, orders to carry the war into Florida, if necessary; with directions, however, if the Indians took refuge under any Spanish fort, not to attack it, but to report the fact. When news arrived at Washington of the disaster on the Apalachicola, orders were sent to Jackson, who commanded in the southern department, to take the field in person, with authority to call additional militia from Tennessee.

The fifteenth Congress, which assembled meanwhile, contained a great proportion of new members. Such had been the effect of time and of the Republican principle of rotation in office, that, of those who had been members when the embargo was imposed, only thirty-two remained in both Houses. The old division of Federalists and

Democrats, though still kept up in name, had quite ceased to influence legislative action. Of former members of the Senate, the most conspicuous were Dana, King, James Barbour, Macon, and Campbell. Among the new members were Harrison Gray Otis, from Massachusetts, in place of Gore; Hanson, from Maryland; Eppes, from Virginia; Troup from Georgia; and John J. Crittenden, from Kentucky. In the House, of former members, were Pitkin, of Connecticut; Taylor, of New York; Southard, of New Jersey; Hopkinson and Sergeant, of Pennsylvania; Smith, of Maryland; Burwell and Tyler, of Virginia; Lowndes, of South Carolina; Forsyth, of Georgia; Clay, Desha, and Johnson, of Kentucky; and Harrison, of Ohio. Among the new members were John Holmes, a converted Federalist, late a noisy opponent of the Hartford Convention in the Massachusetts Legislature, Marcus Morton, Albion K. Parris, and Henry Shaw, of Massachusetts, all Democrats; James Tallmadge, Jr., and John C. Spencer, of New York; General Bloomfield, of New Jersey; Henry Baldwin, from the Pittsburg district of Pennsylvania; Louis M'Lean, of Delaware; General Alexander Smythe, Philip C. Barbour, and Henry St. George Tucker, of Virginia; Thomas W. Cobb, of Georgia; and George Poindexter, from the new state of Mississippi.

The cabinet had been filled up by the appointment of Calhoun as Secretary of War. Why he was preferred to Clay, a much more steady and reliable supporter of Madison's administration, and a stanch advocate of Monroe's successorship, does not appear; perhaps because Clay's overbearing temper was dreaded. Thus left out of the cabinet, Clay, who was again chosen speaker, became the head of a sort of semi-opposition, especially in what related to the new Spanish American republics,

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whose interests, warmly supported also by the Aurora newspaper, he took under his especial care. Forsyth, chairman of the Committee on Foreign Relations, took the lead for the government. The place of Attorney General, vacant by Rush's departure for England, was filled by Wirt.

The finances, according to the treasury report, still exhibited a high degree of prosperity. The public debt, including the seven millions subscribed to the United States Bank, had been reduced, by paying off a part of the stocks held by that bank, to less than a hundred millions; while six millions would still remain in the treasury at the end of the year. As the price of the public stocks had risen above par, the sinking fund seemed likely to accumulate beyond any means of employing it.

Dec. 23. Congress hastened, therefore, to adopt the president's recommendation to repeal all the remaining internal taxes, and the salt duty would have shared the same fate, had not Crawford threatened a deficit. Lowndes and others, indeed most of the members in favor of expenditures for internal improvements, would have preferred to retain the internal taxes at reduced rates; but the popular cry for total repeal was too loud to be resisted. Indeed, the condition of the national industry by no means corresponded to the prosperity of the finances. The once so profitable carrying trade was gone. There was great murmuring among the ship-owners at the exclusion of American ships from the British colonies. The manufacturers complained of being ruined by excessive importations, sent out and sold below cost for that very purpose, importations on which the duties were evaded to a great extent by false invoices and under-valuations. Though the resumption of specie payments by the country banks was as yet but nominal, loud outcries began

to be raised that they were overwhelming their creditors with suits; a course to which they were driven, as they said, by the Bank of the United States. The great facilities of bank credits since the suspension of specie payments had created a vast mass of debts, improvidently contracted, and for which, in many cases, no means of payment appeared. In hopes to relieve this pressure, the Legislature of Kentucky led the way to a vast aggravation of the evil (resulting, in the end, almost in a civil war in that state between debtors and creditors), by the charter of thirty-nine new banks, in addition to a state bank, with fourteen branches, already existing; all of which were allowed to go into operation, and to commence making loans without any specie basis whatever. 1817

To bring Great Britain to terms, an act was passed closing the ports of the United States against British vessels from any British colonial port into which American vessels were not admitted—a return to the old system of commercial retaliation, kept up for twelve years, in one shape or other, but which failed totally of its object, and was then finally abandoned. For the benefit of the manufacturers, a greater strictness was introduced into the collection of ad valorem duties, the principle of a custom-house appraisement being now first adopted. The duties on several articles were increased: pig iron to pay $10 the ton; iron castings, and iron in bar, and bolts not rolled, $15 the ton; manufactures of copper and silver, plated harness, and coach furniture, twenty-five per cent. ad valorem; cut glass, thirty per cent.; brown Russia sheetings, $1 60, white, $2 50 per piece. The reduction on woolens and cottons from twenty-five to twenty per cent. was also postponed till 1826. 1818. April 18. April 20.

After earnest and protracted debate, the House resolved, 90 to 75, that Congress was empowered "to ap- March 14.

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propriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of water-courses;" and they directed the Secretaries of War and the Treasury to report, at the next session, a list of the internal improvements in progress, and a plan for appropriations to aid them. Three other resolutions, (asserting the right of Congress to construct post and military roads; canals for military purposes; and roads and canals necessary for commerce between the states,) were lost; the first, 82 to 84; the second, 81 to 83; and the third, 71 to 95. The distinction was, that while the resolution adopted might be understood as merely asserting the right to aid in the construction of works undertaken by state authority, the others implied a right to originate such works by Federal authority alone.

Most of the distinguished members of the House, among them Sergeant, Hopkinson, Baldwin, Bloomfield, Lowndes, Forsyth, Clay, Harrison, Spencer, and M'Lean, supported all four of the resolutions. Smith, of Maryland, voted for the first, but not for the others. Pitkin, and a considerable number of the New England Federalists, took the opposite side, as they had done when the idea was first suggested by Madison in 1796; less, probably from any constitutional scruples, than from a narrow-minded fear that this new policy might inure chiefly to the benefit of the Middle, Southern, and Western States. The argument of the opposition was the want of any specific authority in the Constitution. The first three resolutions, as might be judged from their phraseology, were chiefly supported under the power to provide for the general defense. A large portion of the expense of the late war had grown out of the price of transportation. The conveyance of every barrel of flour

to Detroit had cost, it was calculated, not less than $60; that of every pound of cannon-ball and ammunition not less than fifty cents. Was it possible that Congress had the power to incur these enormous expenses, but no power to provide the means necessary to reduce them?

The course to be pursued toward Spain and her revolted colonies, furnished another leading topic of discussion. The announcement in the president's message that he had authorized expeditions against Amelia Island and Galveston produced remonstrances from two very opposite quarters: from Don Onis, the Spanish minister, who had previously remonstrated against M'Gregor's enlistments at Charleston and Savannah, and from one Vincente Pazos, the unrecognized agent at Washington of the Spanish American republics. Not succeeding to his wish with the cabinet, Pazos addressed a petition to Congress; but, though presented by the hand of Mr. Speaker Clay, the House, under Forsyth's lead, notwithstanding the arguments of Harrison, Johnson, and some others, refused to receive it, 124 to 28. That same day March 14
the president laid before Congress a voluminous correspondence between Don Onis and the Secretary of State. It began with Onis's remonstrances against the violation of the Spanish territory by the expulsion of M'Gregor from Amelia Island, which Adams justified on the ground that Spain was too weak to protect the United States against the outrages of the vagabonds collected there. A full discussion had followed as to the boundaries of Florida and Louisiana, and as to the claims for Spanish spoliations on American commerce. Spain, it appeared, had offered to refer all the points in dispute to the arbitration of Great Britain; but this proposition had been declined.

When the diplomatic appropriation bill came up, Clay March 24
objected to the insertion into it of $30,000 for the ex-

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penses of commissioners lately sent to South America. If those commissioners were diplomatic agents, their nomination, so he contended, ought to be submitted to and confirmed by the Senate; an objection which Forsyth found so difficult to answer, that he proposed to transfer the appropriation to the head of incidental expenses. Clay then moved to insert an appropriation for a minister to the republic of La Plata. He urged, in an elaborate speech, that now was the time for pressing our controversy with Spain to a final settlement. If she refused us satisfaction, he would then take up and decide the solemn question of war or not. It was evident, however, that, since the late war with Great Britain, Clay's feelings and opinions had undergone a decided modification toward the side of peace. Was it possible, indeed, to have pronounced a more pointed condemnation of the policy of that war than now fell from his lips? Though Spain had given us abundant cause for war, "yet it was not every cause for war that should lead to war. War was one of those dreadful scourges that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuit of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms." He dwelt with eloquence on the duty of aiding, at least by our recognition, a people struggling for their freedom; the vast importance to us, in a commercial point of view, of the independence of Spanish America; and the little likelihood, supposing Spain to retort by a declaration of war, that she would receive any support from England, which alone could make her formidable. If we must have war with Spain, he would rather bring it on by so generous

and disinterested an act, than by a seizure of Florida under pretense of a Seminole war—allusion to Jackson's then pending campaign, of which an account will presently be given.

Forsyth maintained, in reply, that if we were to have war with Spain, it had better be in our own quarrel; and he plainly intimated that all this zeal for Spanish America was but an electioneering scheme on the part of certain "designing and aspiring members of the legislative body." The debate was continued with much energy, Clay making two more speeches, when the motion was lost, 45 to 115. Subsequently an act was passed April 20 giving greater efficacy to the law against the setting on foot of military expeditions, and the fitting out of vessels within the United States against nations with whom we were at peace.

The subject of slavery again came before Congress in no less than three different shapes. A petition was early presented and referred, in both Houses, from the Baltimore Quaker yearly meeting, praying further provisions for the security of free persons of color, or those entitled to freedom on arriving at a certain age, against the increased danger of being kidnapped, growing out of the new domestic slave trade. This new slave trade having greatly increased the disposition of the border slaves to run away, Pindall, a member of the House from Virginia, had anticipated this memorial by obtaining a committee, which presently brought in a bill to give new stringency to the old act for recovering fugitives from labor. While this bill was pending in the House, Burrell of Rhode Island, moved, in the Senate, instructions to the committee on the Quaker memorial to inquire into the expediency of additional provisions for the suppression of the

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foreign slave trade, and especially of concert with other nations for that purpose.

1818. The bill of Pindall provided for assimilating the proceedings in the case of fugitives from labor to those in the case of fugitives from justice. The claimant, having made out a title before some judge of his own state, was then to be entitled to an executive demand on the governor of the state where the fugitive was, with the imposition of heavy penalties upon those who refused to aid in the arrest.

Jan. 28. Strong, Fuller, and Whitman, of Massachusetts, Williams, of Connecticut, Livermore, of New Hampshire, and several Pennsylvania representatives, warmly opposed this bill, as going entirely beyond the constitutional provision on the subject of fugitives from labor. The old law, in their opinion, went quite far enough already. The personal rights of one class of citizens were not to be trampled upon to secure the rights of property of other citizens. The question of servitude ought to be tried in the state where the fugitive was. A motion was made by Sergeant to modify the bill in accordance with this idea; but it did not succeed. On the other hand, the bill was supported not only by Cobb, of Georgia, as a right of the slaveholders secured by the Constitution, and very zealously by Mr. Speaker Clay, but also by Baldwin, of Pennsylvania, who now took very different ground, (prompted possibly by anxiety for Southern support to his favorite scheme of an increased tariff,) from that which he afterward maintained when sitting as a judge in the case of Prigg *v.* Pennsylvania. The bill was also supported by Holmes, of Massachusetts, by Storrs, of New York, who thought that, for the sake of union and harmony, Northern men must learn to sacrifice their prejudices, and by Mason, the new Boston rep-

resentative, who professed, indeed, a personal interest in the question, from his fear lest, if the bill failed to pass, his own town of Boston might be inconveniently infested by Southern runaways. Thus sustained, the bill passed the House, 84 to 69. Among the yeas were ten from New York, still a slaveholding state, five from Massachusetts, four from Pennsylvania, and one from New Jersey, that of the late governor and general, Bloomfield, in his earlier days a most zealous member of the New Jersey society for the abolition of slavery.

Jan. 30.

Having reached the Senate, this bill was referred to a committee, of which Crittenden was chairman. He reported it back with several amendments, one of which provided that the identity of the alleged fugitive, after being carried back, should be established by some testimony other than that of the claimant. Thus amended, the bill was carried in the Senate; but not without a very warm debate, of which, however, not a syllable has been preserved. The Intelligencer, then almost the sole source of information as to the proceedings of Congress, was, indeed, excessively chary of the whole subject. The vote stood 17 to 13, the Delaware senators against it; Otis, of Massachusetts, Sanford, of New York, and Taylor, of Indiana, for it. But by the time the bill got back to the House, its Northern supporters seem to have taken some alarm; and, in spite of repeated efforts of its authors to get some action upon it, it was suffered to lie and to die on the table. The bill had been very eagerly debated in both Houses; but out of doors, at least at the North, it appears to have attracted but slight attention. Not one of the leading Northern newspapers seems to have given the least attention to it.

March 14

Burrell's resolution in the Senate, especially that part of it relating to co-operation with foreign nations, was

Jan. 12

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1818. strongly opposed by Barbour and Troup, as leading to foreign entanglements, and involving a pledge which Congress had no right to give. Morell, a new Democratic senator from New Hampshire, launched out, in reply, into a most emphatic denunciation of slavery. King defended the resolution, since the concert which it suggested was one, not of arms, but of opinion, example, and influence, to prevail on Spain and Portugal to join in the abolition of the traffic; but he suggested that the debate had taken quite too wide a range, the subject of the resolution being, not slavery in general, a topic, as he remarked, always alluded to in the Senate with very great reserve, but the abolition of the slave trade, as to which they were all agreed. The resolution was adopted; and the committee to which it was referred reported

April 20. a bill, which became a law, throwing the burden of proof, in all cases where negroes were found on board a ship, on those in possession; and extending the penalties of the prohibitory act to the fitting out of vessels for the slave trade, or the transporting slaves to any country whatever.

The repeated appeals made to Congress by Johnson and others, at every session since the war, for additional gratuities to the discharged officers and soldiers, called attention to the surviving officers and soldiers of the old Revolutionary army, most of whom, by this time, were past the age of labor, and many of them in great poverty. Of these old soldiers, many had a claim, not so much on the gratitude as the justice of their country, since their dues, when discharged, had been paid in certificates not really worth twenty cents on the dollar. This claim, when the Revolutionary debt was funded, had been disregarded; but now, principally by the exertion of Bloomfield, himself a Revolutionary soldier,

and by a very deceptive under-estimate as to the amount it would require, an act was carried granting a life pension of twenty dollars a month to officers, and of eight dollars a month to privates, who had served nine months, whether in the Continental army or navy; but only on condition of resigning all claim to invalid pensions, and proving to the satisfaction of the War Department that, by reason of reduced circumstances, they stood in need of assistance. March 18.

General St. Clair, old and poor, had applied some years before for the settlement of a claim of his for $1800, advanced in 1776 to aid in the enlistment service. The circumstance that St. Clair was a Federalist no doubt had given, as in the case of Hamilton's widow, additional weight to the paltry pretense that his claim was barred by the statute of limitations, and the old general must have starved, or gone to the poor-house, but for a pension of $300 a year grudgingly bestowed by the State of Pennsylvania. The sum of $2000 was now granted by Congress in discharge of his claim; to which was added, by way of pension, the half pay of a major general, or $60 per month. His Pennsylvania pension had just been raised to $650; so that, at last, that old soldier and Western pioneer was made comfortable for the little remnant of his life. A bill granting a like pension of $60 a month to General Stark, now near ninety and without property, was cut off by the adjournment; but it passed at the next session.

Among other solicitors of claims at Washington, now beginning to become very numerous, was a Colonel Anderson, a Scotchman by birth, one of the settlers on the River Raisin, who had come to seek indemnity for himself and his neighbors for their houses, destroyed by the enemy in consequence of having been occupied by the American troops. Desirous to hasten the settlement of

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these claims, in a letter to Williams, chairman of the Committee on Claims, he had made him the offer of $500 out of the first money received from the government upon this claim. Williams laid the letter before the House, by whose order the speaker issued his warrant

Jan. 15.

for Anderson's arrest. This proceeding raised the old question of the power of the House to punish for contempts. A minority denied any such power, except over its own members, or for contempts committed in its presence; but the House, by a vote of 119 to 45, sustained the validity of the speaker's warrant. Anderson then acknowledged his error, declaring, however, that his object was not to influence the judgment of Williams, but only to hasten the action of the committee. Having, also, the benefit of Harrison's and Johnson's testimony as to his patriotism and zeal during the war, he was discharged with a reprimand. He was afterward induced to bring an action of false imprisonment against the sergeant-at-arms; but the Supreme Court of the United States, before whom the case finally came, sustained the power of the House.

The compensation of the members of Congress, the occasion lately of so much agitation, was fixed, as it still remains, at eight dollars per day, and the same for every twenty miles' travel; an arrangement very unequal in its operation, since, with the modern facilities for travel, the more distant members are twice or three times as well paid as the nearer ones. The other principal acts of the

April 4.

session were one to regulate the stripes and stars in the national flag—thirteen stripes, with as many stars as states, a new star to be added for each addition to the

April 18.

Union; an act authorizing the Territory of Illinois to

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form a state Constitution; and a reorganization of the staff of the army, on a plan suggested by Calhoun, and

still in force curtailing the expense, but at the same time increasing the efficiency of the service. CHAPTER XXXI.

Jackson on receiving his orders to take the field against the Seminoles, had issued a call for some 2000 Tennessee volunteers. While they were preparing to march, he had hastened to Hartford, on the Ockmulgee, there to organize a body of Georgia militia, making, with those from Tennessee, and about a thousand regulars at Fort Scott, a force as numerous, perhaps, as the entire nation of the Seminoles, women and children included. Nor was this the whole of the force employed. The Creeks had just gratified the Georgians by the cession of two considerable additional tracts of territory, one on the Upper Ockmulgee, the other south of the Altamaha—for which the United States had undertaken to pay them $20,000 down, and an annuity of $10,000 for ten years—and they hastened, also, on the call of Gaines, which, however, he had no authority to make, to take the field under their chief, M'Intosh. There was great difficulty, in that wild and not very fertile region, in finding the means to feed an army. Jackson was obliged to march with his Georgians from Hartford with nothing to eat but lean cattle, and corn at the rate of a pint a day for each man, and that only obtained by his indefatigable personal exertions. He was joined on his march by a part of the Creeks, and at Fort Scott he found the regulars. The difficulty of subsistence had delayed the arrival of the Tennesseans. Fort Scott being bare of supplies, Jackson hastened forward to meet the provision boats expected up the Apalachicola from New Orleans; and, as a depôt for those supplies, on the site of the late negro fort he built a new one, called Fort Gadsden. The expected provisions having at length arrived, Jackson marched eastward against the Seminole villages in

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the vicinity of the present town of Tallahassee, being joined on the way by a fresh body of Creeks, and by a part of the Tennessee volunteers. The Indians made

April 1. but a slight resistance; their villages were burned, and a considerable spoil was obtained in corn and cattle. It is evident, from Jackson's dispatches, that he had resolved, from the first, to find some pretense for taking possession of the fort at St. Mark's, the only Spanish post in this part of Florida. Under the allegation of some comfort or aid afforded to the Indians, he marched thither and demanded a surrender. The Spanish commandant hesitating a little, a detachment sent by Jackson entered the

April 7 fort, and took it by force, though without bloodshed.

One of the American armed vessels on the coast, having hoisted the British flag, enticed on board two refugee Red Stick Creek chiefs, one of whom, the prophet Francis, had lately visited England, and had excited some sympathy there. Both these chiefs, by Jackson's orders, were forthwith hung without ceremony. He next marched, with very small supplies, and through a country half covered with water, against another town on the Suwanee, not far from its mouth, inhabited principally by runaway negroes; but, having received timely warning, they had conveyed away their women and cattle, and after two considerable skirmishes, the only resistance which Jackson encountered, they abandoned the town, which was burned. Notice of this intended attack had been sent to Suwanee by Arbuthnot, a Scotsman, last from the Bahamas, employed in trade with the Seminoles, and whom Jackson had found at the fort at St. Mark's. Ambrister, a native of New Providence, who had served in Florida during the late war, and who had lately returned thither, apparently on some trading enterprises, in which he was connected with Arbuthnot,

had headed the Indians and negroes in the defense of Suwanee, and had been taken prisoner there. There seems to have been much rivalry for the Seminole trade between Arbuthnot and one Hambley, also a British subject, but who had espoused the American interest. On Jackson's return to St. Mark's—since neither the exhausted state of his men nor the failure of provisions would allow him to march against the more southern Indian towns—he put Arbuthnot and Ambrister on trial for their lives before a court-martial, of which Gaines was president. The court acquitted Arbuthnot of the charge of being a spy. Of the charge of stirring up the Indians to arrest the person and to seize the property of Hambley, they declined to take cognizance, as not within the range of a military court. Of the two charges of exciting and stirring up the Indians to war with the United States, and of furnishing the means of carrying it on, they found him guilty, and sentenced him to death. The proof consisted, first, in a letter of Arbuthnot's to one of the Chiefs of the Lower Creeks, in which he insisted that, by the treaty of Ghent, the Creeks were entitled to all the territories in their possession previous to the war; and, secondly, of copies of certain other letters found among Arbuthnot's papers, addressed to Bagot, the British embassador at Washington, and to the governor of New Providence, endeavoring to obtain some British aid and protection for these late British allies. To this was added the testimony of a discarded clerk of his, that Arbuthnot had supplied the Indians with powder. Ambrister was also found guilty of aiding, abetting, and comforting the enemy, supplying them with the means of war, and aiding them in it, and by two thirds of the court was also sentenced to death; but, on reconsideration, the sentence was changed to fifty stripes on

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the bare back, and confinement to hard labor, with a ball and chain, for twelve months. This last sentence was disapproved by Jackson, who reinstated the first one, and

April 29. ordered the execution of both the unfortunate traders, on the extraordinary pretense that it was "an established principle of the law of nations, that an individual making war against the citizens of any other nation, the two nations being at peace, forfeits his allegiance, and becomes an outlaw and a pirate"—a principle which would have justified the British in hanging La Fayette and Kosciusko, had they been taken prisoners in the war of the Revolution.

But, however ready to assume authority, or to act upon suspicion himself, Jackson was very little inclined to tolerate such practices in others. William Rabun, the newly-chosen governor of Georgia, upon some vague rumor of alleged depredations by pretended friendly Indians, had authorized a Captain Wright, of the militia, to destroy two small Indian villages on the Flint, whence these depredations were said to come. Under this authority, Wright approached the Cheraw town, most of whose male inhabitants were serving under Jackson in Florida. He supposed it, as he afterward alleged, to be one of the towns intended by his orders, though Rabun denied that such was the case. A cow was found among the Indian cattle which bore the private mark, as was pretended, of one of Wright's men, and this was taken as full proof of the guilt of the town. The company lay concealed till midnight, when they

April 27. rushed upon it, set it on fire, killed, as they boasted, some forty or fifty Indians—in fact, as it afterward proved, eight old men and one old woman—and destroyed or stole some $10,000 worth of property; after which they returned in great triumph to Hartford.

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Mitchell, late governor of Georgia, but, since the recent death of Hawkins, agent for the Creeks, whose cause and rights he espoused with no less zeal than his predecessor, sent loud remonstrances to Rabun. Jackson, the moment he heard of the outrage, addressed a stern letter to the Governor of Georgia. Denying his authority to give any orders, or to send out any detachments while a general of the United States was in the field, he called upon Rabun to assist in taking Wright, whom he had ordered to be arrested and confined in irons, preliminary to his trial for this "outrageous murder" and infringement of the treaty with the Creeks. In fact, the Indians were not the only sufferers. The Georgia column, returning from their service in Florida, had expected to find at the Cheraw village a supply of cattle and provisions, and, in consequence of its plunder and destruction, they were reduced almost to starvation.

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Rabun replied to Jackson in a tone of defiance, three or four letters passing between them not remarkable for politeness on either side. Jackson sent an officer to arrest Wright; but he was released on habeas corpus, on the ground that he had not been serving under Jackson's orders. He was, indeed, placed on his parole by the governor, to await the decision of the president; but the rumor prevailing that he was to be tried by the Circuit Court of the United States, he broke his parole and absconded. The affair ended with a resolution of the Georgia Legislature approving the conduct of the governor in every respect, and with an indemnity, paid, not by Georgia, but by the United States, for the murder and plunder of the Cheraws.

Jackson, meanwhile, on some rumor or pretended rumor, of encouragement from Pensacola to Indian inroads into Alabama, had marched for that place. He received,

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on the way, a protest from the Spanish governor against the invasion of Florida, and a declaration of his intention to resist it; but this was construed by Jackson into an

May 24. additional reason for seizing Pensacola, which he entered the next day, with only a show of opposition. The governor fled to the fort at the Barancas; but Jackson having erected batteries and commenced a cannonade,

May 27. he judged it best to capitulate.

June 17. Upon the arrival at Washington of the news of these proceedings, the Spanish minister protested against this violation of the Spanish territory pending a negotiation. In a cabinet council, Calhoun proposed bringing General Jackson to a trial; but this proposition met with no favor. Adams replied to the Spanish minister by setting up the unfulfilled treaty obligation of Spain to restrain the Indians within her limits. The seizure of St. Mark's and Pensacola, though an act of the general's without orders, yet, considering the aid and encouragement afforded by these posts to the hostile Indians, was abundantly justified on the principle of self-defense. But as the war with the Seminoles was now ended, it was offered

July 23. to restore Pensacola at once, and St. Mark's whenever Spain had a force ready to be stationed there competent to control the neighboring Indians.

A tardy ratification having arrived of the convention of indemnities of 1802, with additional instructions to Don Onis, the negotiation for the discharge of the American claims by the cession of Florida was presently re-

Oct. 24. newed. Onis insisted upon a preliminary apology and indemnity for the seizure of St. Mark's and Pensacola; upon a confirmation of all the Spanish Floridian grants; and that the limits west of the Mississippi, between the United States and Spain, should be a due north line commencing on the gulf east of the Sabine, between the

Mermentau and Calcasiu, crossing the Red River at Natchitoches, and extending to the Missouri, that river thence to its source to be the boundary. Adams offered, as his ultimatum, to accept as a boundary, the Sabine as far as the thirty-second degree of north latitude, a line thence due north to the Red River, that river to its source, the crest of the Rocky Mountains to the forty-first degree of north latitude, and a line thence due west to the Pacific. Onis offered to agree to the Sabine and a due north line to the Missouri, and the course of that river to its head. The American claim to extend to the Pacific he pronounced a novelty, now heard of for the first time, and as to which he had no instructions. Adams rejoined by withdrawing his late offer as to boundary, proposing to let that question lay over for the present, and to settle the other points first. He took occasion, at the same time, to go into a long and very warm vindication of all Jackson's proceedings in Florida, which he defended on the ground taken by Jackson himself, that the war with the Seminoles had originated entirely in the instigations of Arbuthnot and Ambrister, who were described as only "pretended traders," and by implication as British emissaries, whom the Spanish commander was accused of having encouraged and abetted; a view of the case still more elaborately and zealously maintained in a dispatch of the same date to Erving, the American minister in Spain.

1818. Oct. 31. Nov. 16. Nov. 30.

The re-election of Wolcott, and the complete triumph of the toleration party of Connecticut, had been followed by an act authorizing a convention, which presently met at Hartford, to frame a Constitution for that state. This Constitution, ratified soon after by the people, in its general model and in most of its provisions, was but a continuation of the old charter government, upon which,

April. August. Oct. 12.

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in his moderating speeches to the Legislature, Wolcott had bestowed many well-merited eulogies. The old Board of Assistants, somewhat increased in numbers, became a senate. The election of the representatives and the sessions of the Legislature were to be annual instead of biennial, as before. The governor was allowed the privilege of stating his objections to such bills as had passed both Houses; but if a majority still persisted, these objections availed nothing. The Legislature also retained all its old prerogatives of appointments to office.

The most notable changes were the extension of the right of suffrage to all tax-payers, and the abolition of the old religious establishment. An article of the Bill of Rights, while acknowledging the duty of worship, provided, however, that no person should be compelled to join, or be classed with, or be taxed by any church or religious association against his consent. "All societies of Christians" within the state were to be entitled to the equal privilege of taxing their own members; but those members might withdraw at pleasure, on filing a written notice with the clerk of the society of intention to do so. New Hampshire adopted this same policy the next year by a legislative act. Another change made on Wolcott's recommendation, but in a decidedly anti-democratic direction, gave to the judges of the highest court, hitherto elected annually, a tenure of office for good behavior.

Aug. 26.

The Constitution of the new state of ILLINOIS, completed about the same time, hardly differed from that of Indiana, except in assigning a four years' term to the governor and senators, half the senators to go out biennially.

An annuity of $1000, for twelve years, had already (1816) been granted to the united Chippewas, Ottawas, and Potawatomies, of the Illinois and Milwaukie, in con

sideration of the cession of a tract twenty miles wide, including Chicago, and extending back southwesterly to the Kankakee and Fox Rivers. Considerable additional cessions in Illinois and Indiana, at an expense of $9850 in perpetual annuities, were now obtained from the Potawatomies, the Weas, the Miamis, and the Delawares, which latter tribe, having sold all their lands, agreed to remove west of the Mississippi.

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The Indian tribes of Ohio, the Wyandots, Delawares, Senecas, and Shawanese, with some bands of the Potawatomies, Ottawas, and Chippewas, by a treaty negotiated the year before, and again the present year ratified with modifications, had ceded all their remaining lands in that state, about four millions of acres, embracing the valley of the Maumee. For this cession $14,000 were paid to the several tribes, in various proportions, in the name of damages suffered from the British during the late war: $500 to the Delawares; $10,000 annually, forever, to the Wyandots, Senecas, Shawanese, and Ottawas; and $3300 annually, for fifteen years, to the Potawatomies and united Chippewas and Ottawas. Some 300,000 acres were also reserved in various tracts, and assigned to different bands, families, and individuals, under the idea, which failed, however, to be carried out, that the Indians might adopt the habits of civilized life, and become a part of the settled population.

1817. Sept. 27

The states of Kentucky and Tennessee received also a much-coveted enlargement, in a cession by the Chickasaws of all that tract included between the Mississippi and the northern course of the Tennessee River. The Chickasaw villages were mostly lower down the Mississippi, this tract having been used as hunting grounds. Considerable reservations were, however, made to certain chiefs; and besides presents to them, the United States agreed

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to pay to the nation, in consideration of this cession, $70,000 annually for fifteen years. The United States paid the money, but the benefit inured to individuals; for the whole of this tract was already covered by old Virginia and North Carolina grants.

Meanwhile, notwithstanding the apparently successful restoration of specie payments, the ignorance, mismanagement, and selfish schemes of the directors of the new National Bank threatened to involve the country in new monetary confusion. The resumption of payment by the state banks had caused their notes to be received as specie in the payment of the third and fourth installments of the bank stock; and as the United States stocks had risen above par, it was principally in those notes that these instalments had been paid. Even the stocks actually paid in by the private subscribers, to the amount of about fourteen millions, had, under the option secured in the charter, been redeemed by the government, principally with state bank notes received for du ties, and of which the treasury was thus mainly cleared.

The mass of state bank paper thus put into the hands of the National Bank gave it a vast power, which, if used with prudence, firmness, and a resolution to reduce the state banks to a real specie-paying condition, might possibly have accomplished that object without any very violent crisis. But the managers of the bank had much more in view their own private interests than those of the public. Baltimore had originally subscribed four millions to the stock, as much as Philadelphia, twice as much as either New York or Boston, and a vast deal more than she was able to pay for. This subscription was really made by a hundred or two speculating individuals, mostly warm Democratic politicians, but by a piece of trickery familiar in the bank management of

that city, it had been taken in the names of some fifteen thousand persons, half the entire number of stockholders throughout the Union; and under the rules for voting laid down in the charter, a vastly disproportioned influence had been thus secured by these Baltimore speculators in the choice of the directors of the mother bank. It was principally to enable them to meet their installments that the practice had been introduced of discounting notes secured only by pledges of stock, not merely at its par value, but at the extravagant rates of from thirty to fifty per cent. above par, to which the speculators had succeeded in raising it.

The true policy would have been strictly to limit their own issues till the state banks had been brought to a sound condition; but the directors were intent only on inflating the value of their own stock; and, under the leadership of Jones, late Secretary of the Navy, appointed a government director and elected president, himself one of the speculators, they had commenced a course of free loans, which had helped, for the moment, to cheat the country with a delusive appearance of prosperity. In utter ignorance of the theory of trade, the directors had also entered on the impracticable scheme of equalizing the exchanges at their own expense, by requiring all the branches north of Charleston to receive each other's notes as cash, in other words, to redeem them in specie. Taking advantage of this rule, the Baltimore branch, under the presidency of James A. Buchanan, the mercantile and managing partner of that ancient Democratic politician, General Smith, had commenced a course of most profuse loans, large amounts being taken by the president and cashier without any security whatever. During the suspension of specie payments, the Baltimore bank paper being the worst of all, very large imports

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tions had been made in consequence through that port, and large balances had accumulated there belonging to Northern merchants. In payment of these balances, the profuse issues of that branch had been eagerly caught up and remitted; and the New York and Boston branches, constantly called upon to redeem these Baltimore notes, had been almost entirely restricted from making any loans of their own. The mother bank at Philadelphia, after some feeble remonstrances, which were totally disregarded at Baltimore, had herself followed in the same track; and most of the loans, during the year after the commencement of business, had been accumulated at these two points, a very considerable portion of them being for the benefit of the speculating presidents and directors. Even the treasury of the United States was made a party to this scheme, by furnishing the mother bank and the Baltimore branch with large drafts on the public funds at New York and Boston, as a means of partially meeting the heavy balances accumulating against them at the New York and Boston offices.

March.

The Boston branch, to prevent an absolute stoppage, had been at length obliged to refuse the notes of the other branches. It was in vain that the bank had imported seven millions of specie, at an expense to itself of over half a million of dollars; that cash went faster than it came. The bank was further weakened by the great reduction in the amount of government deposits, five millions of the surplus on hand being applied by the commissioners of the sinking fund to pay off the first installment of the Louisiana loan, the greater part of which was held abroad. The pressure soon began to be so severe, that, to protect the mother bank and the northern branches against the excessive issues of the Baltimore

Aug. 23.

branch, it became necessary, in conformity to the prac-

tice already adopted at Boston, expressly to authorize the branches to refuse, except in payments on government account, all notes but their own. 1818.

This necessary step of self-defense was followed up by a call on the state banks for the payment of their balances; the result of which was,(after all kinds of tricks and evasions on the part of many of the debtor banks, who met the most reasonable demands of the national bank with nothing but complaints and reproaches,)the stoppage of payment on the part of all the western banks whose resumption, in fact, had never been more than nominal. The consequent derangement of the currency and the exchanges produced a tremendous clamor, directed chiefly against the Bank of the United States, as though that bank had been solely, or even chiefly to blame; and which was carried so far that several state Legislatures, especially those of Maryland and Ohio, undertook to lay taxes on the branches, in some cases prohibitory in their amount, with the avowed intention of compelling them to close; nothing else being needed, as it seemed to be supposed, to secure to the people the sovereign felicity of running into debt without ever being called on to pay.

Congress came together in the midst of this excitement, and among its first proceedings was the appointment of a committee of the House, of which Spencer was chairman, with full authority to send for persons and papers, in order to a thorough investigation of the affairs of the bank. This committee entered on their duty with zeal, and, in a very able report, soon laid bare the mismanagement of that institution, and the cause of its embarrassments. Various propositions were made, in consequence, to repeal the charter, or, at least, to direct a quo warranto to issue against it. A vast deal of indignation

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was expressed against the bank and its management, of which, however, a considerable part came from those who desired, by destroying it, to open the way to a general re-suspension. On the other hand, of those most disgusted at the misconduct of the president and the knot of speculating directors—a conduct in such striking contrast to the honest and judicious management of the old bank—many were disposed still to uphold the institution itself as the only present safeguard against a new suspension. Nor was any thing done by Congress except the passage of an act restricting stockholders, in how many names soever their stock might be held, to the charter limit of thirty votes. Jones, the speculating president, and other speculating directors, resigned. Cheves was elected in Jones's place; and under his energetic administration, a course of rigorous retrenchment was commenced, which saved, indeed, the bank and the currency, but did by no means alleviate the immediate general distress, nor at all appease the public clamor.

Jan. 12

The subject next in interest was that of the Seminole war. Nelson, of Virginia, presented a report on behalf of the majority of the Military Committee of the House, in which the hanging of Arbuthnot and Ambrister was pointedly condemned. A minority report, presented by Richard M. Johnson, maintained the opposite view, which also had the powerful support of the administration in Adams's diplomatic letters on that affair already laid before the House. In a protracted debate of three weeks, the whole subject was very fully discussed. Mercer, of Virginia, maintained that the American government had been the aggressor in the whole business, as well against the Seminoles as the Spaniards; that the power of Congress in the matter of making war had been usurped upon that the trials by court-martial were a mere mock-

ery, since the parties were not liable to trial in that way; and the execution of the British and Indian prisoners in every respect unjustifiable. Clay looked at the proceedings much in the same light; but, with an ironical tenderness for the administration, he seemed disposed to shift the responsibility upon Jackson's shoulders. If his conduct had been in any way authorized, surely there would have been no offer to restore St. Mark's and Pensacola.

It was urged as an apology for the executions by Johnson, Holmes, Tallmadge, and others, that, as the Indians kill their captives, it was but a just retaliation to kill Indian captives; nor could white men, fighting on the Indian side, expect any better treatment than the Indians themselves. They objected, indeed, to any discussion of the subject, since Jackson was responsible only to the president, and could only be called to account by court-martial. But others, who sustained the administration and the general, Forsyth among the number, frankly admitted that to express an opinion on the matter was wholly within the scope of congressional authority. Besides Clay and Mercer, Cobb, of Georgia, went strongly for censure. Storrs, of New York, and Tyler, of Virginia, also took the same side. The general found defenders, besides those already mentioned, in Philip Barbour, Poindexter, Baldwin, and Desha. Harrison vindicated Jackson's course except in shooting Ambrister, which he thought irregular, as not sustained by the sentence of the court. An effort was made to get rid of the subject by an indefinite postponement; but to this the administration party would not agree. The vote finally stood, for disapproving the execution of Arbuthnot and Ambrister, 62 to 103; for disapproving the seizure of Pensacola, 70 to 100.

Feb. 8.

In the Senate, Lacock, of Pennsylvania, made a re-

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port, which, grave as its accusations were, was suffered to lie on the table without action. It charged Gaines with having called out the Creeks without any authority whatever, and Jackson with having exceeded his authority by calling directly on his old mounted volunteers, instead of applying to the Governor of Tennessee for a draft of infantry in the usual way. It also charged upon him usurpation of authority, not only in having seized the Spanish posts without orders, but in undertaking to organize a civil and military government at Pensacola. It was further stated that, two months later, and after the Seminole campaign was entirely ended, he had formed a scheme for seizing St. Augustine, under pretenses similar to those employed in the other cases, and had issued orders to that effect to Gaines, of which the execution was only prevented by a seasonable countermand from the War Department.

Confident in the support of the executive, and in that popular admiration always bestowed on vigor of action—an admiration little likely to be shocked at any extremities exercised on Spaniards, Englishmen, or Indians—Jackson, while this discussion was going on in Congress, was making a sort of triumphal progress from Nashville to Washington, and thence to Baltimore, Philadelphia, and New York. According to a statement under Lacock's own name, in reply to certain rude strictures on his report, written, as he alleged, by one of Jackson's aids-de-camp, and inserted, by the general's procurement, in the National Intelligencer, the general "was vociferous, in the public taverns and ball-rooms of Washington, in his imprecations, and violent in his threats of personal vengeance, even to the cutting off of the ears of some of the members"—an example freely imitated by his suit; and that, too, although by the articles of war, every offi-

cer who should speak disrespectfully or contemptuously of Congress was liable to be deprived of his commission.

Jackson seemed, indeed, to hold the articles of war, the War Department itself, in fact, all authority except his own will and pleasure, in very sovereign contempt. Two years before, dissatisfied at orders sent directly from the War Department to certain officers under his command, without passing through him, he had issued a general order (April 27, 1817), severely censuring this proceeding, and forbidding any officer under his command to obey such orders. The War Department, at that moment without a head, tamely submitted to this insult; but the affair naturally enough became a subject of discussion among military men, and General Scott, at a dinner-table, expressed the opinion, certainly not ill founded, that Jackson's general order was mutinous in its character, amounting to a reprimand of the president and commander-in-chief, from whom all the orders of the War Department theoretically came. Some anonymous busybody having communicated to Jackson this dinner-table opinion of Scott's, he wrote to Scott to inquire if the story were true. Scott replied in very courteous but manly terms, avowing the opinion, and giving his reasons for it; to which Jackson sent an insolent and insulting reply, apparently intended to provoke a challenge. Scott answered in terms as gentlemanly as Jackson's had been rude, that, as a duel did not seem necessary to settle the question of the courage of either of them, he must decline being drawn into a personal quarrel. Notwithstanding a regulation of the War Department forbidding publications relative to transactions between officers of a private and personal nature, manuscript copies of this correspondence, except Scott's last letter, were circulated

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by Jackson's friends during his northern tour, as proof that Scott was cowed. There might be some doubt whether the letter of the regulation extended to manuscript publication; and, as the department did not venture to call Jackson to account, Scott was driven, in self-defense, to a circulation, also in manuscript, of the whole correspondence, which, however, soon found its way to the newspapers. So far, in the eyes of all civilized persons, Scott had altogether the best of it. But, unfortunately, in his last letter, he had dropped a suspicion that the anonymous information to Jackson came from De Witt Clinton. It was conjectured that Clinton would be very willing to foment a quarrel between Jackson and the War Department, in hopes of securing Jackson's support for himself at the next presidential election. Indeed, during Jackson's visit to New York, some compliments passed between them not a little alarming to the Tammany men, and other supporters of the Virginia dynasty. As soon as Scott's letter appeared, Clinton indignantly denied the imputation, and Scott made the best retreat possible under the circumstances by a prompt and manly retraction.

Jackson's vigorous proceedings in Florida would seem not to have been without effect. Pending the discussion in Congress on his conduct, the Spanish minister,

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under new instructions from home, signed a treaty for the cession of Florida, in extinction of the various American claims, for the satisfaction of which the United States agreed to pay to the claimants five millions of dollars. The Louisiana boundary, as fixed by this treaty, was a compromise between the respective offers heretofore made, though leaning a good deal to the American side: the Sabine to the 32d degree of north latitude; thence a north

meridian line to the Red River; the course of that river to the 100th degree of longitude east from Greenwich; thence north by that meridian to the Arkansas; up that river to its head and to the 42d degree of north latitude; and along that degree to the Pacific. This treaty was immediately ratified by the Senate; and, in expectation of a like ratification by Spain, an act was passed to authorize the president to take possession of the ceded territory.

It was supposed that the British government might make some stir about the execution of Arbuthnot and Ambrister. The subject was, indeed, mooted in Parliament; but the ministers took the ground that British subjects mixing themselves up in the quarrels of other nations, must abide the consequences, without expecting any interference of the British government on their behalf.

The commission, under the treaty of Ghent, on the islands in Passamaquoddy Bay, had agreed to confirm the possession of them as it had existed prior to the war. The running of the line through the St. Lawrence and the lakes had been nearly completed; but the commission on the northeast boundary had not yet been able to arrive at any conclusion. By a new convention (Oct. 20, 1818), ratified at the present session, the 49th degree of north latitude was to be the boundary between the United States and British America, from the Lake of the Woods to the Rocky Mountains. The territory west of those mountains (Oregon) was to remain for ten years in the joint occupation of both parties; in other words, the British Fur Company, which alone had yet any establishments in that remote region, was not to be disturbed for that period. The commercial convention of 1815 was to continue in force for the same period. Some concession was also obtained on the subject of fishing rights,

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the curtailment of which, under the British construction of the effect of the late war on the treaty of 1783, had occasioned loud complaints in New England. Those rights were now restored, so far as related to the north and east coasts of the Gulf of St. Lawrence, the coast of Labrador, and the Magdalen Islands; but off the coasts of New Brunswick and Nova Scotia, in the Bay of Fundy, and on the western and southern coasts of the Gulf of St. Lawrence, American vessels were not to fish within three miles of the shore. As the two governments could not agree upon the true interpretation of the article in the late treaty concerning slaves carried away, under which a large amount was claimed in the way of indemnity, it was arranged to refer it to a third power; and Russia was presently selected as the arbiter.

The immediate interest in the question of internal improvements was somewhat abated by the reduced state of the treasury. The excessive importations, which, in the four years since the conclusion of the war, had given a delusive appearance of commercial prosperity, had already been greatly curtailed, and the income for the current year seemed likely to fall short of the expenditures. A list of public improvements on foot, as ordered at the last session, was laid on the table of the House; but no appropriation was made, except of half a million of dollars for the completion, from Cumberland to Wheeling, of the National Road, as it now began to be called. This, however, like the other appropriations for that road, was specially chargeable on the two per cent. fund for roads to the new states.

New York and New Jersey, shocked at the new domestic slave trade, had passed laws forbidding the export of slaves from those states; and they now applied to Congress to aid in their enforcement. There had also

occurred some seizures of slaves from Africa, smuggled into Georgia and Louisiana, and sales of them by auction, under the state regulations, authorized by the original slave trade abolition act. These sales had held up, in a palpable shape, the inconsistency of a public trading in slaves as a means of suppressing the slave trade; nor could the public sentiment be any longer satisfied with the original nice distinction that this trading was not the act of the United States, but that of the particular states whose regulations authorized it. Partly, no doubt, by the influence of the new Colonization Society, now making its arrangements for a colony on the coast of Africa, and which presently agreed to receive and to convey thither a number of illegally-imported Africans newly seized in Georgia, a new act was passed, allowing $50 premium to the informer for every illegally-imported African seized within the United States, and half as much for those taken at sea; with authority to the president to cause them to be removed beyond the limits of the United States, and to appoint agents on the coast of Africa for their reception. An attempt was also made to punish slave trading with death, as had been contended for at the time of the original abolition act. Such a provision passed the House, but was struck out in the Senate.

The recently-created Territory of Alabama, into which a flood of immigration was rushing, was authorized, without objection or restriction, to frame a state Constitution. A similar bill in relation to the Territory of Missouri raised the slavery question in a new form. Tallmadge moved to insert a clause prohibiting any further introduction of slaves, and granting freedom to the children of those already there on their attaining the age of twenty-five; and after a three days' vehement debate, this mo-

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tion was carried, 87 to 76. Into a bill to organize the Territory of Arkansas, introduced as a companion to the Missouri bill, and which was next taken up, Taylor moved
Feb. 16. to insert the same restriction. The clause to give free-
Feb. 17. dom at twenty-five to the children of the slaves already there was carried, 75 to 73; but the prohibition of the further introduction of slaves was lost, 70 to 71. The
Feb. 18. next day the clause carried was struck out, when Taylor proposed to add a proviso to the bill, that neither slavery nor involuntary servitude should hereafter be introduced into any part of the territories of the United States north of 36° 30′, the northern boundary proposed for the new Territory of Arkansas. It thus appears, contrary to a common belief, that the idea of the division of the territory west of the Mississippi into a slaveholding and a non-slaveholding portion, and, except as to the State of Missouri, by the same line ultimately adopted, was conceived at the very time that the question of the admission of Missouri was first mooted; indeed, from the moment that a prospect appeared of a definite boundary to the Louisiana acquisition. It also appears that the proposal of this compromise, being, in fact, an extension to the country west of the Mississippi of the same principle on which the territory east of that river had been divided between slaveholding and non-slaveholding states, came originally, not from the South, but from the North. The admission to the Union hitherto had been of a slaveholding and non-slaveholding state alternately. Vermont and Kentucky, Tennessee and Ohio, Louisiana and Indiana, Mississippi and Illinois, had mutually offset each other. As Alabama was to come in a slave state, Missouri, according to this rule, ought to be a free one, while Taylor's motion, in leaving open to the admission of slaves all the territory south of

the southern boundary of Missouri, left room for the further extension of the same policy. Livermore, of New Hampshire, who had been very zealous for the Missouri restriction, conceived that this proposition had been made "in the true spirit of compromise," but he thought the line of division not sufficiently favorable to freedom. Harrison agreed to the necessity of some such partition, but he proposed a line due west from the mouth of the Des Moines, thus giving up to slavery the State of Missouri and all the territory in that latitude. M'Lean, of Delaware, also declared himself in favor of the partition policy; but the amendment was warmly opposed, a large number both of Northern and Southern members declaring themselves hostile to any compromise whatever. Taylor then withdrew it, and the Arkansas bill, without any restriction, was passed and sent to the Senate.

This idea of a compromise, feebly supported on the part of the North, met, at first, from the South, no countenance whatever. The slaveholders insisted that any restriction would be contrary to that provision of the treaty of cession which guaranteed to the inhabitants of the ceded territory admission into the Union, with "all the privileges of citizens of the United States," one of which privileges, so the argument seemed to take it for granted, was to hold men, at least colored men, as property. For Congress to undertake to prohibit slaveholding would be inconsistent with state sovereignty, which could not be restrained or limited by any such condition precedent, slavery being in its nature a municipal affair, wholly within the purview of state authority. It would also be a gross violation of the right of the slaveholders to the enjoyment of their property anywhere within the territories of the United States. In aid of these dry and stern appeals to mere vested right, the sentiment of hu-

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manity was also invoked. Such a restriction would be cruel to the slaves, an argument pressed by Clay, almost with tears in his eyes. While it would not diminish their numbers, it would expose them, accumulated in multitudes in the old exhausted states, to destitution, and even to lean and haggard starvation, instead of allowing them to share the fat plenty of the new West.

The restrictionists, on the other hand, were far from admitting that to hold slaves, however the case might be as to particular states, was any right of citizens of the United States. It was too late, they said, to deny the power of Congress to impose conditions precedent to admission into the Union. That power had been repeatedly exercised. Louisiana had even been required to adopt the English as its official language, and to introduce the trial by jury in criminal cases. The right of prohibition thus established they proceeded to argue—and here they assumed a ground hardly consistent with any idea of compromise—that as slavery was an enormous evil, totally contrary to the principles of the American government, for Congress to admit it where it had the power of exclusion—a power which, unfortunately, in the case of Kentucky, Tennessee, Mississippi, and Alabama it had not possessed—would be at once a gross dereliction of principle, and a sacrifice of the interests of labor and of laboring men to those of the comparatively small and much less meritorious class of slaveholders.

Such appears to have been the substance of the argument; but of the debates on this occasion our reports are scanty, only four or five speeches on either side. Some circumstances incidentally noticed show a high state of excitement, at least on the Southern side of the House. Colston, of Virginia, accused Livermore of speaking to

the galleries, and endeavoring, by his language, to excite a civil war. He was no better than Arbuthnot and Ambrister, and deserving of no better fate—a personal assault which called out no interference from the slave-holding chairman. Scott, the delegate from the Missouri Territory, talked mysteriously of the ides of March—the session was to close on the 3d of March—and bade the House beware of the fate of Cæsar and of Rome. Cobb, of Georgia, fixing his eye on Tallmadge, the original mover of the restriction, among other expressions of great warmth, exclaimed that a fire had been kindled which all the waters of the ocean could not put out, and which only seas of blood could extinguish! He did not hesitate to declare that, if the Northern members persisted, the Union would be dissolved.

Tallmadge, however, was not so to be frightened. "Language of this sort," such was his reply, "has no effect upon me. My purpose is fixed. It is interwoven with my existence. Its durability is limited with my life. It is a great and glorious cause—setting bounds to slavery the most cruel and debasing the world has ever witnessed. It is the cause of the freedom of man!

"If a dissolution of the Union must take place, let it be so! If civil war, which gentlemen so much threaten, must come, I can only say, let it come! My hold on life is probably as frail as that of any man who now hears me; but, while that hold lasts, it shall be devoted to the freedom of man. If blood is necessary to extinguish any fire which I have assisted to kindle, while I regret the necessity, I shall not hesitate to contribute my own. The violence which gentlemen have resorted to on this subject will not move my purpose, nor drive me from my ground. I have the fortune and honor to stand here as the representative of freemen who possess intel-

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ligence to know their rights, and who have the spirit to maintain them. Whatever might be my own private sentiments on this subject, standing here as the representative of others, no choice is left me. I know the will of my constituents, and regardless of consequences, I will avow it. As their representative, I will proclaim their hatred to slavery in every shape. As their representative, here will I hold my stand, till this floor, with the national Constitution which supports it, shall sink beneath me. If I am doomed to fall, I shall, at least, have the painful consolation to fall as a fragment of the ruins of my country.

"Has it, indeed, come to this, that in the Congress of the United States, slavery has become a subject of so much delicacy, of so much danger, of so much feeling, that it can not safely be discussed? Are members who venture to express their sentiments on this subject to be accused of talking to the galleries, with intent to excite a servile insurrection, and to be threatened with the fate of Arbuthnot and Ambrister? Are we to be told of the dissolution of the Union, of civil war, and of seas of blood? And yet, with such awful threatenings, do gentlemen, in the same breath, insist on the extension of this evil and scourge—an evil fraught with dire calamities to us as individuals, and to the nation; threatening in its progress to overthrow, along with the liberties of the country, all our notions of religion and morals. You behold Southern gentlemen contributing to teach the doctrines of Christianity in every part of the globe. Turn over the page, and you behold them legislating to secure the ignorance and stupidity of their own slaves! While we hear of a liberality which civilizes the savages of all countries, and carries the Gospel alike to the Hottentot and the Hindoo, it has been reserved for the republican state

of Georgia, not content with the care of overseers, to legislate to secure the oppression and ignorance of her slaves. The man who teaches a negro to read is liable to a criminal prosecution! The dark, benighted beings of all creation profit by our liberality—save those on our own plantations. Where is the missionary of hardihood enough to venture to teach the slaves of Georgia? Here is the stain, the stigma which fastens on the character of our country, and which, in the appropriate language of the gentleman from Georgia, not all the waters of the ocean, only seas of blood, can wash out!

"If it is not safe now to discuss slavery on this floor, if it can not now come before us as a proper subject for general legislation, what will be the result when it is spread through your widely-extended domain? Its present threatening aspect, and the violence of its supporters, so far from inducing me to yield to its progress, prompt me to resist its march. Now is the time! The extension of the evil must be now prevented, or the opportunity will be lost forever!

"Look down the long vista of futurity. See your empire, in extent unequaled, in advantageous situation without a parallel, occupying all the valuable part of our continent. Behold this extended empire inhabited by the hardy sons of America, freemen knowing their rights, and inheriting the will to maintain them; owners of the soil on which they live, and interested in the institutions which they labor to uphold; with two oceans laving your shores and tributary to your purposes, bearing on their bosoms the commerce of your people—compared to yours, the governments of Europe dwindle into insignificance, and the world has no parallel. But reverse the scene. People this fair domain with the slaves of your planters. Spread slavery, that bane of man, that abomination of

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heaven, over your extended empire! You prepare its dissolution; you turn its accumulated strength into positive weakness; you cherish a cancer in your breast; you put a viper in your bosom; you place a vulture on your heart—nay, you whet the dagger, and thrust it into the hands of a portion of your population, stimulated to use it by every impulse, human and divine. The envious contrast between your happiness and their misery, between your liberty and their slavery, must constantly prompt them to accomplish your destruction. Your enemies will learn the source and the cause of your weakness. As often as external dangers shall threaten, or internal commotions await you, you will then realize that, by your own procurement, you have placed amid your families, and in the bosom of your country, a population at once the greatest cause of individual danger and of national weakness. With this defect, your government must crumble to pieces, and your people become the scoff of the world.

"It has been argued, with great plausibility, that we should rather spread the slaves now in the country than confine them to their present districts, thus diminishing the danger from them, while we increase the means of their living, and augment their comforts. Since we have been engaged in this debate, we have witnessed an elucidation of this argument. A slave-driver, a trafficker in human flesh, as if sent by Providence, has passed the door of your Capitol, on his way to the West, driving before him some fifteen of these wretched victims of his power; the men, who might raise the arm of vengeance, handcuffed and chained to each other; the women and children marching in the rear, under the guidance of the driver's whip. Yes, such has been the scene witnessed

from the windows of Congress Hall by the members who compose the legislative council of republican America! CHAPTER XXXI.

"Rest assured that this reasoning is fallacious. While slavery is permitted, the market will be supplied. Our extensive coast, and its contiguity to the West Indies and the Spanish possessions, render the introduction of slaves easy. Our laws against it are already highly penal, and yet it is a well-known fact that about fourteen thousand slaves have been brought into our country this last year. 1819.

"But we are told that any attempt to legislate on this subject is a violation of that faith and mutual confidence upon which our Union was formed and our Constitution adopted. If the restriction were attempted to be enforced against any of the slaveholding states, parties in the adoption of the Constitution, this argument might seem plausible. But it can have no application to a new district of country recently acquired, never contemplated in the formation of the government, and not embraced in the mutual concessions and declared faith upon which the Constitution was agreed to. The Constitution concedes to the slaveholding states a representation according to numbers, counting three fifths of the slaves—an important benefit yielded to them as one of the mutual sacrifices for the Union. On that subject I consider the faith of the Union pledged. But none of the causes which induced that sacrifice, producing such an unequal representation of the free population of the country, exist as between us and the newly-acquired territory west of the Mississippi. That portion of country has no claim to such an unequal representation, unjust in its results toward the other states. Are the numerous slaves in extensive countries which we may acquire by purchase, and admit as states into the Union, to be repre-

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sented on this floor under a clause of the Constitution specially granted as a compromise and a benefit to those Southern States which had borne part in the Revolution? Such an extension of that clause would be unjust in its operation, unequal in its results, and in violation of its original intention.

"As an evil brought upon us, without our fault, before the formation of our government, through the sin of that nation from which we revolted, we must of necessity legislate upon this subject; and it is our business so to legislate as never to encourage, but always to restrict it.

"You boast of the freedom of your Constitution and your laws. You have proclaimed in the Declaration of Independence that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. And yet you have slaves in your country! The enemies of your government, the legitimates of Europe, point to your inconsistencies, and blazon your alleged defects. Confine slavery to the original slave-holding states, where you found it at the formation of your government, and you stand acquitted of these imputations. Allow it to pass into territories whence you have the lawful power to exclude it, and you take upon yourselves all these charges of inconsistency.

"We are told, however, that, from the long habit of the Southern and Western people, the possession of slaves has become necessary to them; that, from the nature of the climate and soil, the lands can not be cultivated without slaves; that the slaves thrive, and are much better off than in their own native country. We have even been told that if we prevent slavery from crossing the Mississippi, we shall greatly lessen the value of property there, and shall retard the settlement of the country.

"If the Western country can not be settled without slaves, gladly would I prevent its settlement till time shall be no more. By this sort of argument all morals are set at defiance, and we are called upon to legislate on the mere ground of personal interest. Repeal, then, all your laws prohibiting the slave trade! Throw open this traffic to the commercial states of the East! If it better their condition, invite the dark population of benighted Africa to be translated to the shores of republican America! But I will not press upon gentlemen the conclusion to which their arguments necessarily tend. I do not believe any gentleman on this floor would here advocate the slave trade, or maintain, in the abstract, the principles of slavery. I will not outrage the decorum nor insult the dignity of this House by attempting to argue in this place, as an abstract proposition, the moral wrong of slavery. How would the legitimates of Europe chuckle to find an American Congress in debate on such a question!"

Tallmadge found a supporter, not less able and earnest, in John W. Taylor, who had moved the proviso to the Arkansas bill. "How often," he said, "and how eloquently, have I heard Southern gentlemen deplore the existence of slavery! What willingness, nay, what solicitude have they not manifested to be relieved from this burden! How have they wept over the unfortunate policy that first introduced slaves into this country! How have they disclaimed the guilt and shame of that original sin, and thrown it back on their ancestors! I have heard with pleasure this avowal of regret, I have confided in its sincerity, and have hoped to see its effects in the advancement of the cause of humanity. Gentlemen have now an opportunity of putting their professions into practice. If they have tried slavery, and

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found it to be a curse; if they desire to dissipate the gloom with which it covers their land, I call upon them to exclude it from the territory in question. Plant not its seeds in this uncorrupt soil! Let not our children, in looking back to the proceedings of this day, say of them, as we have been constrained to say of our fathers—we wish their decision had been different; we regret the existence among us of this unfortunate population; but we found them here; we know not what to do with them; it is our misfortune; we must bear it with patience!

"To the objection that the amendment, if adopted, will diminish the value of a species of property in one portion of the Union, and thereby operate unequally, I reply, that if, by depriving slaveholders of the Missouri market, the business of raising slaves should become less profitable, it would be, not the object of this measure, but an effect incidentally produced. The law prohibiting the importation of foreign slaves was not passed to enhance the value of those then in the country, yet it incidentally produced that effect to a very great degree. The exclusion of slavery from Missouri may operate, perhaps, to some extent, to retard a further advance. But surely, when gentlemen consider the present demand, and the vast extent of country in Louisiana, Mississippi, and Alabama requiring a supply, they ought not to oppose its exclusion from the territory in question.

"But it is further objected that the amendment is calculated to disfranchize our brethren from the South by discouraging their emigration to the country west of the Mississippi. If it were proposed to discriminate between citizens of the different sections of our Union, and to allow a Pennsylvanian to hold slaves there while that power was denied to a Virginian, the objection might very properly be made. But when we place all upon an

equal footing, denying to all what we deny to one, I am unable to discover the injustice or inequality of which honorable gentlemen have thought proper to complain. The description of immigrants may in some measure be affected by the amendment. If slavery shall be tolerated, the country will be settled by rich planters with their slaves. If it shall be rejected, the emigrants will chiefly consist of the poorer and more laborious classes of society. If it be true that the prosperity and happiness of a country ought to constitute the great object of its legislators, I can not hesitate for a moment which species of population deserves most to be encouraged. In their zeal to oppose the amendment gentlemen seem to have considered but one side of the case. If the prohibition of slavery will tend to discourage migration from the South, will not its admission have the same effect with relation to the North and East? Whence came the people, who, with a rapidity never before witnessed, have changed the wilderness between the Ohio and the Mississippi into fruitful fields, erecting there, within a period almost too short for the credence of future ages, three of the freest and most flourishing states of the Union? They came, sir, from the eastern hive, from that source of population, which, in the same time, has added more than a hundred thousand inhabitants to my own native state, besides furnishing seamen for a large portion of the navigation of the world; seamen who have unfurled your banner in every port to which the enterprise of man has gained admittance, and who, though poor themselves, have drawn rich treasures for the nation from the bosom of the deep. Do you believe that these people will settle in a country where they must take rank with negro slaves? Having neither the will nor the ability to hold slaves themselves, they labor cheerfully while labor is

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honorable. Make it disgraceful, they will despise it. You can not degrade it more effectually than by establishing a system whereby it shall be performed principally by slaves. The business in which slaves are principally engaged, be it what it may, soon becomes debased in public estimation. It is considered low, and unfit for freemen. Can I better illustrate this truth than by referring to a remark of the gentleman from Kentucky (Clay)? I have often admired the liberality of his sentiments. He is governed by no vulgar prejudices. Yet with what abhorrence did he speak of the performance by our wives and daughters of those domestic duties which he was pleased to call servile! What comparison did he make between the black slaves of Kentucky and the white slaves of the North, and how instantly did he strike the balance in favor of the condition of the former! If such opinions and expressions can fall, even in the ardor of debate, from that gentleman, what ideas do you suppose are entertained of laboring men by the generality of slaveholders? A gentleman from Virginia replies that they are treated with confidence and esteem, and their rights respected. I did not imagine that they were put out of the protection of the law. Their persons and property are doubtless secure from violence, or, if injured, the courts of justice are open to them. But in a country like this, where the people are sovereign, and every citizen is entitled to equal rights, the mere exemption from flagrant wrongs is no great privilege. No class of freemen should be excluded in this country, either by law, or by the ostracism of public opinion, more powerful than law, from competing for offices and political distinctions. A humane master will respect the rights of his slave, and, if worthy, will honor him with confidence and esteem. And it is

this same measure, as I apprehend, that is dealt out in slaveholding states to the laboring class of their white population. But whom of that class have they ever called to fill stations of any considerable responsibility? When have we seen a representative on this floor from that section of our Union who was not a slaveholder? Who but slaveholders are elected to their state Legislatures? Who but they are appointed to fill their executive or judicial offices? I appeal to gentlemen whether the selection of one who labors with his own hands, however well educated, would not be considered an extraordinary event? For this I do not reproach my brethren of the South. They doubtless choose those to represent them in whom they most confide, and far be it from me to intimate that their confidence is ever misplaced. But my objection is to the introduction of a system which can not but produce the effect of rendering labor disgraceful."

Such speeches were very hard to be answered, and the excitement which they produced is not so much to be wondered at. Yet, with all allowance on this score, a strange degree of privilege was assumed by and conceded to the members from the South. The Hartford Convention was still the object of a vast deal of odium; all connected with it, or supposed to have favored it, were still subjected to a most rigorous political excommunication, on the bare suspicion, though the thing was strenuously disavowed by those implicated, of having secretly consulted about, or at least silently contemplated, the dissolution of the Union. Yet this same dissolution was now openly threatened by Southern members on the floor of Congress. What provocation the Hartford Conventionists had, we have seen. The provocation on the part of the South was their not being allowed to spread what

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they admitted to be a terrible evil over the whole territory west of the Mississippi. A test of patriotic endurance and submission for themselves, so different from that laid down by the Southern politicians for others, certainly gave some color to the old complaints of the Federalists, that the Northern States had all along been regarded and treated as mere vassals. What in Southern representatives was but a manly refusal to submit to a domineering interference with constitutional rights, still continued to be denounced as having been in Northern men, under provocations ten thousand times greater, nothing short of, at least, moral treason.

When the Arkansas bill reached the Senate, a motion was made by Roberts, of Pennsylvania, to insert a prohibition of slavery. This failed, 19 to 14, several of the Northern senators absent, and Taylor, of Indiana, voting against it. The bill then passed without a division. That new territory, more extensive than the present State of Arkansas, included the whole district north of the State of Louisiana, and south of 36° 30′ of north latitude. It was presently organized, with Colonel Miller, late of the army, as governor.

The proviso in the Missouri bill against the further introduction of slaves, though supported by some strong speeches in its favor, especially from King, was struck out, 22 to 19—Otis, of Massachusetts, Lacock, of Pennsylvania, the two Illinois and the two Delaware senators voting with the slaveholders. The clause for freeing the children of slaves received but seven votes. The House, by the close vote of 78 to 76, refused to concur in these amendments. The Senate would not recede,

March 2. and so the bill was lost.

The other proceedings of the session worthy of notice were a joint resolution for naming the public vessels—

ships-of-the-line after states, frigates after rivers, and sloops-of-war after cities; another, giving the printing of Congress to printers to be elected by the two Houses respectively—a means subsequently of great party favoritism; an act fixing the salaries of heads of departments at $6000; of the judges of the Supreme Court at $4500, the chief justice to have $5000; of the Attorney General at $3500, and of the Postmaster General and his assistants at $4000 and $2500 respectively—compensations exceedingly moderate, if compared with those of many inferior officers of the government. The tide of emigration from Europe, interrupted by the commercial restrictions and the war, had now again begun to set in, and an act was passed to regulate passenger vessels. These immigrants, of which the flow has ever since grown stronger and stronger, and indeed, we may say, Europe herself, had an interest in the pending Missouri question almost equal to that of America.

The numerous bankruptcies which had already begun to take place, and the loud complaints of frauds and unjust preferences under the state insolvent laws of Pennsylvania and New York, and especially a recent decision of the Supreme Court of the United States, that discharges obtained under these laws were not binding as against creditors residing in other states, had led to great efforts, during the session, to carry through a bankrupt law. But objection on the part of the planters and farmers to be subjected to any system of compulsory liquidation, to any thing more, in fact, than a mere insolvent act, of which they might take advantage at pleasure, defeated the bill.

Among the appropriations of the session was one of $10,000 annually toward the civilization of the Indians. Some progress had begun to be made in the project, long

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BANK OF THE UNITED STATES. GREAT FINANCIAL CRISIS. EFFORTS FOR AN INCREASED TARIFF. MISSOURI QUESTION AT THE NORTH. STATE OF ALABAMA. SIXTEENTH CONGRESS, FIRST SESSION. STATE OF MAINE. MISSOURI PROVISO. RETRENCHMENTS. SECOND SESSION OF THE SIXTEENTH CONGRESS. MISSOURI FINALLY ADMITTED. RE-ELECTION OF MONROE. RATIFICATION OF THE FLORIDA TREATY.

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June 4

CHEVES, on taking his seat as president of the Board of Directors of the Bank of the United States, had found that institution very hard pressed, indeed, just upon the verge of a stoppage. Nothing but the most stringent measures could save it, and those he did not hesitate to adopt. One of the first steps of the new board was to remove M'Culloch, the cashier of the Baltimore branch, a removal soon followed by the resignation of Buchanan, the president, and by the development of a system of fraud and plunder, in the withdrawal from that office of large sums, either without any security, or upon wholly insufficient pledges of stock, resulting in an ultimate loss to the bank of about two millions of dollars, squandered by the borrowers in wild speculations. The downfall of Buchanan and M'Culloch led to that of other speculators, and to the disclosure of similar robberies, in which some of the leading firms of the city were involved, perpetrated on one of the local banks. Baltimore had enjoyed under the system of the suspension of specie payments and by bank facilities since, an appearance of high prosperity, now suddenly overcast by almost uni-

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versal bankruptcy. The Western branches of the National Bank, sustained by the redemption of their bills at the Eastern offices, had run into a similar course of extravagant issues and loans; and the system of curtailment insisted on by Cheves involved in the West much the same results as at Baltimore. The cry raised against the bank, since the abandonment of the late system of exchanges, now rose higher than ever. Just before the adjournment of Congress, the Supreme Court of the United States, upon a suit brought to enforce the Maryland tax, had decided that all such attempts against an institution chartered by Congress were unconstitutional. Yet notwithstanding this decision, the state authorities of Ohio persisted in collecting a tax of $100,000, levied upon the two branches in that state, for the avowed purpose of compelling them to close their business. An injunction from the Circuit Court of the United States was disregarded, and the amount was taken by force, under state warrants, from the vaults of the Chilicothe branch; a proceeding to which the bank responded by prosecutions, both civil and criminal, against the agents in this procedure. The Kentucky Court of Appeals exhibited a spirit not less hostile by deciding that the bank could sustain no action on promissory notes held by it, since the charter spoke only of bills of exchange and specie as things in which the bank might deal.

In spite of the execrations with which Cheves was overwhelmed, and the charge of seeking to subject the whole monetary concerns of the country to the arbitrary power of the bank, to which even the national treasury was said to have become but a mere appendage, he steadily persevered in his system of retrenchment; and, before the close of the year, a committee of stockholders was able to report that, although the ascertained losses

exceeded three millions, so that no dividends could be made for two years, yet that the bank, at last, was out of danger of stoppage, and its affairs under prudent and safe management. The bank was saved, and specie payments maintained at the principal centers of commerce, but the currency out of New England was left in a very dilapidated condition. A large portion of the country banks found it impossible to resume; yet, so great were the debts owing to them, that their paper still continued to circulate, and, in the more remote states of the South and West, years elapsed before this evil was entirely got rid of.

The war, as having produced the original stoppage of specie payments, had laid the foundation of this mischief, aggravated, indeed, by the misconduct and mismanagement as well of the local banks as of the new National Bank, and by the vast importations subsequent to the war, which were only paid for at last by the transfer to Europe of a large proportion of the war stocks. More general causes contributed, also, not a little to increase the evil. The termination of that artificial commercial monopoly enjoyed during the European war, and the cessation of the vast war expenditures, had overturned the whole industrial system of England, and had brought on a financial crisis, attended with a general fall of all prices. This state of things reacted powerfully on America; and the Middle States, most involved in the recent bank expansions, were now reduced, by the loss of their foreign market for provisions, as well as of that domestic market which the war had created, to a condition approaching that which New England had experienced under the embargo and the war. That late much-enduring portion of the Union, having kept a sound currency throughout, found new resources in the

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monopoly, lately secured, of the coasting trade, in the transport to Europe of the increasing products of the Southwest, and in the extension of domestic manufactures, for which the density, as well as the superior intelligence of her population, gave great advantages; and though not wholly exempt from the general pressure, she began once more to lift her head above that wave of pecuniary distress, which now, with terrible reaction, rolled in their turn over those states, chief supporters of that ruinous policy against which she had vainly protested and struggled.

The manufacturers felt the general fall of prices hardly less than the farmers. They complained of being undersold by foreign goods, sent out for that express purpose by English manufacturers, intent upon crushing their rising establishments, though oftener, perhaps, themselves struggling against impending ruin, and resorting to any sacrifice for temporary relief. Meetings began to be held in favor of an increase of the tariff. The farmers, anxious to secure a market for their products, joined zealously in these movements; and presently a

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convention of delegates from nine states assembled at New York to urge the matter on Congress.

An agitation of a very different sort was simultaneously on foot. The late discussions on the extension of slavery beyond the Mississippi had roused up, as if from a long sleep, the anti-slavery sentiment of the North. The American convention for promoting the abolition of slavery, in abeyance since the abolition of the slave trade,

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revived, and reassembled once more at Philadelphia. But these speculative philanthropists, few and weak, would have been able to accomplish little, had not the politicians come to their aid. Jealousy of Southern domination had, as we have seen, made the Northern Federal-

ists dissatisfied with the purchase of Louisiana; it had led them to protest against the erection of the Territory of Orleans into a state, and had moved the Hartford Convention to propose the abolition of the slave representation—a proposal quite as much, perhaps, as any suspected plots against the Union, the unpardonable sin of that body. This feeling had been shared, and, on more than one occasion, had been exhibited by the Northern Democrats also, especially those of New York, who had reflected, not without some bitterness, on the political insignificance in which they had so long been held. The keeping out of new states, or the alteration of the Constitution as to the basis of representation—to which proposal of Massachusetts, re-echoed from Hartford, the other Northern states had returned no answers at all, or unfavorable ones—were projects too hopeless, as well as too unpopular in their origin, to be renewed. The extension to the new territory west of the Mississippi of the ordinance of 1787 against slavery, seemed to present a much more feasible method of accomplishing substantially the same object. This idea spread with rapidity, and it still further obliterated old party lines, tending to produce, at the North, a political union, for which the Federalists had so often sighed, similar to that which, prevailing throughout the South for the twenty years preceding, had given to that section so entire a control over the policy of the general government, both foreign and domestic.

Every movement hitherto hostile to slavery had originated in the Middle States; and the same was the case now. A public meeting at Trenton, in New Jersey, on behalf of this policy, was soon followed by others at New York, at Philadelphia, and, finally, at Boston, Salem, and most of the other principal Northern towns—

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Nov. 16
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Democrats and Federalists zealously co-operating. Committees were appointed at all these meetings to address the people. At the request of the New York committee, King furnished, for publication, sketches of two unreported speeches of his, in which he had zealously maintained in the Senate the power of Congress to prohibit slavery in the Territories. His term had expired; but the Democratic majority in the New York Legislature, divided into the two factions of the Clintonians and Tammany men, had not been able to agree on a successor.

Meanwhile however an event occurred at the North, which gave to the South an accidental but decided advantage, by furnishing a new free state to come in between Alabama and Missouri. The project of erecting MAINE into a separate state entertained previously to the adoption of the Federal Constitution, had been revived since the war. The Democrats were a majority in that district, and many ambitious politicians among them desired to escape the control of Massachusetts Federalism. The division would cut down Massachusetts to a second-rate state; but as the chance seemed small, with the weight of unpopularity now resting on her head, that she would ever recover her ascendency in national affairs, the Federal politicians of Massachusetts proper, resigning to New York the leadership of the North, were not disinclined to strengthen themselves at home by letting Maine go. The Maine Federalists protested against this desertion; but the people of that district, after two or three trials, having pronounced decidedly in favor of separation, a convention had been held, under the authority of an act of the Legislature of Massachusetts, to form a state Constitution. This act provided for the distribution between the two states of the ungranted lands

of Maine, and of the claims for militia services against the general government. The Constitution agreed upon was modeled on that of Massachusetts, but with modifications to suit prevailing ideas. The right of suffrage was given to all adult males resident in the state for three months; all pecuniary qualifications for the holding of office were abolished; all compulsory contributions for the support of religion were done away—thus leaving the curtailed State of Massachusetts the only part of the Union in which that policy continued to be maintained.

Oct. 11

The Constitution of the new State of ALABAMA, formed a few months previously, was almost an exact transcript of that of Mississippi.

Upon the coming together of the sixteenth Congress, the two Houses took possession of their halls in the two wings of the Capitol, repaired since the burning by the British, and fitted up with greater elegance than before; but new complaints soon arose that in the Representatives' Hall, comfort and ease in speaking and hearing had been sadly sacrificed to show. The Capitol was still unfinished, the central rotunda having but just been commenced. Among the old senators were Otis, Dana, James Barbour, and Macon. Among the new ones were William Pinkney, lately returned from Russia, and, upon the recent and final triumph of the Democrats in Maryland, sent to succeed Hanson; Richard M. Johnson, of Kentucky, and William A. King, of Alabama, which latter state was at once admitted into the Union, by joint resolution. The place of Campbell, appointed to succeed Pinkney as minister to Russia, had been filled by John H. Eaton. There reappeared in the House, Holmes, of Massachusetts; Taylor and Storrs, of New York; Bloomfield, of New Jersey; Sergeant and Bald-

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win, of Pennsylvania; M'Lean, of Delaware; Smith, of Maryland; Burwell, Philip Barbour, and Mercer, of Virginia; also, John Randolph, absent from the last Congress; Lowndes, of South Carolina; Cobb, of Georgia; and Clay, of Kentucky. Clay was re-elected speaker without opposition.

The president's message dwelt at length on the non-ratification of the Florida treaty. The immediate cause seems to have been an announcement by Forsyth, sent as minister to Spain, and who adopted a tone not flattering to Spanish pride, of an intention not to recognize certain large land grants, within the letter of the treaty, but not supposed by the president to be so when the treaty was signed. The Spanish court also complained of hostile expeditions in aid of her revolted colonies, set on foot within the United States, and especially of the attempts of certain adventurers to set up a republic of Texas. It was, perhaps, by way of menace, that the president intimated in his message a disposition to recognize the independence of the revolted South American colonies, so soon, at least, as the concurrence of Great Britain could be obtained. A new Spanish minister, who arrived shortly after, demanded, as preliminary to the ratification of the Florida treaty, a stipulation not to make any such recognition. This the president indignantly refused; but on the arrival of news pending the session of the overturn of Ferdinand's despotic power, and of the re-establishment of the Cortes, the president recommended to Congress to give to this new government an opportunity to act, before adopting any decisive measures. Meanwhile a clamor began to be raised against the treaty, countenanced by certain resolutions submitted by Clay, and giving rise, years afterward, to the doctrine of "re-annexation." The suggestion was

that, without the consent of Congress, no power existed to alienate territory, a thing done, as it was pretended by this treaty, since the true limit of Louisiana, as acquired from France, was not the Sabine, but the Rio Grande—a claim which, since the springing up of the Missouri question, the South was the more disposed to press. 1819.

That was felt on all sides to be the great question of the session. On motion of Taylor, after a speech intended to be conciliatory, a committee was appointed to inquire into the expediency of prohibiting slavery west of the Mississippi; and a bill, already brought in, to authorize Missouri to form a state Constitution, was postponed to await the report of this committee, which, however, being unable to agree, was obliged soon to ask to be discharged. An attempt, meanwhile, on the other side of the House, to postpone action on another bill for the admission of Maine until the Missouri bill came up, was defeated, and the Maine bill was passed and sent to the Senate. 1820. Jan. 5. Jan. 3.

Discussion on this subject was not confined to Congress. The State Legislatures, as they successively met, freely expressed their opinions. Pennsylvania led off by a solemn appeal to the states "to refuse to covenant with crime," and by an unanimous declaration as well of the duty as of the right of Congress to prohibit slavery west of the Mississippi. New Jersey and Delaware followed, both also unanimously. New York, on the pointed recommendation of Governor Clinton, adopted similar resolutions; Federalists, Clintonians, and Tammany men, seemed to vie in zeal, and, on the strength of this feeling, King was sent back to the Senate, almost without opposition. Ohio endorsed the same doctrine. The Indiana Legislature severely censured Taylor, one of their

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senators, for having voted to organize the Arkansas Territory without a prohibition of slavery. The New England Legislatures remained silent; but numerous memorials from towns, cities, and public meetings in favor of freedom were laid before Congress. Virginia and Kentucky were just as strenuous the other way. The Virginia House of Delegates declared their intention "to interpose" on behalf of Missouri; but as this seemed to come very near what, but five years before (when Otis had offered a resolution in the Massachusetts Legislature to interpose on behalf of Vermont), had been denounced as actual treason, the Virginia Senate insisted upon a modification. The Legislature of Maryland coincided with those of Kentucky and Virginia; but in the city of Baltimore, a public meeting, over which the mayor presided, memorialized Congress—not, however, without provoking a counter memorial—against the further extension of slavery.

In the Senate, a clause for the admission of Missouri

Jan. 16. was tacked to the Maine bill—a manœuver for which all the Southern senators voted, aided by those of Illinois, by Taylor, of Indiana, Parrott, of New Hampshire, and Palmer, of Vermont. To this Missouri clause, Roberts, of Pennsylvania, moved to add a prohibition of slavery;

Feb. 1. but, after a fortnight's debate, this motion was lost, 16 to 27. Taylor, of Indiana, voted for it, but the slaveholders, besides their former allies, obtained the votes of Lanman, of Connecticut, Hunter, of Rhode Island, and Van Dyke, of Delaware. Horsey, the other Delaware senator, was absent. Lanman, recently chosen to succeed Dagget, was of the Connecticut "Toleration party." Parrott, Palmer, and Hunter, were of that school of New England Democracy of which the sole principle seemed to be to follow the lead of Virginia without scru-

ple or question. Otis, of Massachusetts, at the last session, as well as on several occasions before, had exhibited his strong sympathy for the slaveholders, of which, indeed, he lived to give still further proofs; but now, on behalf of a northern ascendency, and with the prospect of a new political party on that basis, he exerted all his eloquence against them. Pinkney appeared on the other side as the leading orator for the extension of slavery; but the speeches, whether in the Senate or the House, consisted in a mere iteration of the ideas started at the last session. After another fortnight's debate, the union of Maine and Missouri in one bill was carried, 23 to 21, the senators from Illinois, and Taylor, of Indiana, voting in the affirmative. Thomas, of Illinois, then proposed a new amendment, prohibiting the introduction of slaves into any of the remainder of the Louisiana cession north of the Arkansas boundary—the famous compromise clause, in fact, as finally adopted. Trimble, of Ohio, wished to include the Arkansas Territory within this prohibition; but this was rejected, 24 to 20, the senators from Illinois and Indiana voting against it. Thomas's amendment was then carried, 34 to 10, the senators from Virginia, South Carolina, Georgia, and Indiana, with Macon, and one of the Mississippi senators, in the negative. Thus amended, the bill passed, 24 to 20; the slaveholding states, with Delaware and Illinois, the two least considerable states in the Union, for it, all the others against it. Thomas's proviso differed from that proposed by Taylor at the last session in giving up the new state of Missouri to the slaveholders. But if the South was thus conciliated to the idea of compromise, the North was rendered still more hostile to it.

Feb. 16.

Feb. 17

The House was engaged, meanwhile, in Committee of the Whole on a bill for the admission of Missouri, the

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question being on the prohibition of the further introduction of slaves. When the Maine bill came back with the unrestricted admission of Missouri and Thomas's

Feb. 18. compromise tacked to it, an attempt was made to avoid an immediate decision by referring this bill to the same Committee of the Whole; but this was voted down, and the amendments of the Senate were disagreed to, Thomas's clause, 159 to 18, both sides voting against it. As both Houses persisted in the stand thus taken, the Senate asked a committee of conference, which was agreed to, Mr. Speaker Clay taking care to appoint, on the part of the House, a decided majority of compromisers. Pending this conference, the Missouri bill was reported to the House, with a clause prohibiting the further introduction of slaves. The zealous attempts of Storrs and Clay to turn this prohibition into a recommendation merely,

Feb. 29. were voted down, 82 to 98, and the bill was passed as reported, 93 to 84. In these divisions, Holmes, Mason, the Boston representative, Storrs, Bloomfield, Baldwin, and M'Lean, of Delaware, had stood by the slaveholders as in the last Congress. They had also obtained five recruits among the new members: Hill and Shaw, of Massachusetts, Foot, of Connecticut, Meigs, of New York, and Fullerton, of Pennsylvania. A good deal had been hoped of the Maine members, especially as the consent of Massachusetts to the independence of Maine was on condition of her admission into the Union prior to the 4th of March, a date now close at hand but, beyond the votes of Holmes and Hill, no aid could be got from that quarter.

March 2. The Senate, by the unanimous vote of the Southern delegation, in which the senators from Delaware and Illinois again concurred, assisted now by Lanman, Hunter, and Parrott, sent back this Missouri bill with the prohi-

bition of slavery struck out, and Thomas's territorial proviso inserted in stead. At the same time, Holmes, from the committee of conference, reported a recommendation to the Senate to recede from their amendments to the Maine bill; and to the House to pass the Missouri bill in its new shape. Steps had been taken to secure the adoption of this latter recommendation. Four more obscure Northern members—Eddy, of Rhode Island, Stevens, of Connecticut, and Kinsey and Smith, of New Jersey—had been in some way prevailed upon to vote for the compromise; three others—Edwards, of Connecticut, and Case and Tompkins, of New York, the latter a brother of the vice-president—absented themselves; and by this defection, the striking from the Missouri bill of the prohibition of slavery was carried, 90 to 87. The insertion of Thomas's proviso was then agreed to, 134 to 42, of whom 35 were Southern members, who voted against it as not within the power of Congress.

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Randolph, the leader of this ultra-southern party, indignantly denounced this compromise as a "dirty bargain," and the eighteen Northern men, by whose cooperation it had been carried, as "dough-faces"—an epithet at once adopted into our political vocabulary, and since in constant use. Hoping still to stave off final action till after the 4th of March, in which case the admission of Maine would fall to the ground, he gave notice of a motion for reconsideration. But this the adroit and nimble speaker took care to anticipate, by sending back the bill to the Senate, which, as the committee of conference had recommended, had already receded from their amendments to the Maine bill. Both houses had thus done their part, but even yet there was an obstacle. The Legislature of Virginia had not only denied, in the most positive terms, any power in Con-

March 3

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gress to impose any restriction, of any kind, on any state admitted into the Union, but the movements at Richmond touching the nomination of a ticket of presidential electors had evinced a determination to await Monroe's action in the premises. A distinction had, indeed, been taken, in the course of the debate, by the Southern supporters of the compromise, between the case of states and territories, the power of imposing conditions on territories having been maintained as necessarily implied in the power to erect them, and, in fact, as expressly conferred in the power "to make all needful rules and regulations respecting the territory and other property of the United States." But the ultra party had replied that this clause related to the territories only as property; and that, as political organizations, they stood on precisely the same ground as states, Congress having no power to impose restrictions on the local legislation of either. To fortify himself in this emergency, Monroe submitted two questions to his cabinet: Had Congress the constitutional power to prohibit slavery in a territory? Was the term "forever," in the prohibitive clause of the Missouri bill, to be understood as referring only to the territorial condition of the district to which it related, or was it an attempt to extend the prohibition of slavery to such states as might be erected therefrom?

On the first question, all the cabinet declared themselves in the affirmative, though neither Calhoun, Crawford, nor Wirt could see any express authority, and though Wirt was strong against implied powers. As to the second question, Adams thought that the term "forever" must be understood to mean forever, and that the prohibition, instead of ceasing with the territorial condition of the district, would extend to any states that might at any time be erected out of it. The others—in-

cluding Thompson, of New York, placed in the Navy Department about a year before as successor to Crowninshield, and, elevated, at the first opportunity, to the bench of the Supreme Federal Court—were all of opinion that this "forever" was only a territorial forever, not interfering with the right of any state that might at any time be organized within the district referred to, to establish or prohibit slavery. To prevent this delicate point being mooted, and to give to the opinions of the cabinet an appearance of unanimity, the second question was modified, at Calhoun's suggestion, into the mere inquiry—Was the proviso, as it stood in the bill, constitutional or not? To this, notwithstanding the fundamental difference above pointed out, they could all say Yes; they all did say so in writing, and no more; and on the strength of these deceptively unanimous opinions, ordered to be deposited in the archives of state, whence they have since disappeared, Monroe put his name to the two bills. It would seem from this account, noted down at the moment by John Quincy Adams in his famous unpublished diary, that the Missouri proviso had been signed by the president in a very different sense from that in which it had been accepted in Congress. If the interpretation of the word "forever," as sanctioned by the majority of the cabinet, was generally understood among the Southern supporters of the compromise, so far from rising to the dignity of a "bargain," it was little better than a mere trick, to smooth, for the moment, the admission of Missouri as a slave state, by holding out, as to the district embraced in the proviso, a promise not designed to be fulfilled.

But whether, as to its congressional god-fathers, trick or bargain, philosophically and historically this compromise must be regarded as a political necessity of the time

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to which both the North and the South were alike obliged to submit. Jefferson, who alone could have led in the matter with success, had not had the courage to improve the golden opportunity, and with Missouri already occupied by a slaveholding population, eager for more slaves, and seconded in that eagerness by the whole strength of the slave states, it would have been hopeless for the North to have attempted to restrain their further introduction there. The slaveholders, on the other hand, alarmed at the sudden uprising and combination against them of all the Northern States, even including Pennsylvania, so long their patient instrument, might well be satisfied by giving up the territory included in the proviso, to break up this formidable combination, even though the quibble about the meaning of "forever" should prove barren of practical results.

Notwithstanding the late general outcry at the South, as well as at the North, against yielding at all, the compromise, even in its apparent sense, began immediately to be applauded and justified by Southern politicians and newspapers as a triumph on their part. Missouri was secured at once; Arkansas and Florida, already partly peopled, might, by skillful management, be cut up into six or seven additional slave states. As to the district covered by the proviso, there was little danger, it was said, that any land-offices would be soon opened in it. Not a foot of the Indian title was extinguished; it was, in fact, an almost unknown wilderness, possessed by savage tribes, and the greater part of it, according to the best accounts, wholly unfit for civilized habitation. The result, on the other hand, was not a little mortifying, as well to the conscience as to the pride and ambition of the North. "The impression produced on my mind," so Adams wrote at the moment in his diary, "by the prog-

gress of this discussion is, that the bargain between freedom and slavery contained in the Constitution of the United States is morally and politically vicious, inconsistent with the principles upon which alone our revolution can be justified; cruel and oppressive, by riveting the chains of slavery, in pledging the faith of freedom to maintain and perpetuate the tyranny of the master; and grossly unequal and impolitic, by admitting that slaves are at once enemies to be kept in subjection, property to be secured and restored to their owners, and persons not to be represented themselves, but for whom their masters are privileged with nearly a double share of representation. The consequence has been, that this slave representation has governed the Union. Benjamin, portioned above his brethren, has ravined as a wolf; in the morning he has devoured the prey, and at night he has divided the spoil. It would be no difficult matter to prove, by reviewing the history of the Union under this Constitution, that almost every thing which has contributed to the honor and welfare of the nation has been accomplished in despite of them; and that every thing unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to them."

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Governor Wolcott, in his address shortly after to the Connecticut Legislature, in reference to a very elaborate disquisition on state rights in their bearing on the Missouri question, which the Virginia Legislature had sent, in the form of a circular, to all the states, thus expressed himself: "It can not have escaped your attention, that a diversity of habits and principles of government exist in this country; and I think it is evident that slavery is gradually forming those distinctions, which, according to invariable laws of human action, constitute the char-

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acteristic difference between aristocratical and democratical republics.

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The simultaneous action of the Pennsylvania Legislature was not less significant. That state, bordering by a long frontier on Maryland and Virginia, had been the chief scene of attempts, become quite frequent since the springing up of the domestic slave trade, to carry into execution the fugitive slave law of 1793. Loud complaints had begun to be raised, not only of kidnapping abuses, perpetrated under that law by the aid of ignorant or mercenary justices of the peace, but of riots, not always unattended with bloodshed, growing out of attempts to seize alleged fugitives without any process at

all. Not only had the late applications to Congress for an amendment of the fugitive law failed, but the Supreme Court of Pennsylvania had recently decided (Wright *v.* Deacon, 5 Sergeant and Rawle, 62), that the certificate of a justice of the peace, under that act, was absolutely conclusive, and that no further trial of the question of liberty could be had, either on habeas corpus, by writ of personal replevin, or by any other process whatever. For the curtailment of an authority so excessive, and its restriction within limits somewhat approaching to safety, the Legislature of Pennsylvania hastened to pass a statute forbidding aldermen and justices of the peace of that state to act under the law of 1793, the execution of which was thus restricted to judges of the superior courts, who were further required, whenever they granted certificates of service due, to file with the clerk of the county a record of the whole proceedings, containing the names of the parties and witnesses, and a statement of the evidence on which the certificate had been granted. Severe penalties were added upon the carrying out of the state, without process, whether by force or stratagem, any negro or mulatto, with intent to hold or to sell him as a slave.

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It had been fondly hoped, when the Federal Constitution was framed, that the cessation of the foreign slave trade would be gradually followed by the extinction of slavery itself. The futility of this hope had long been growing obvious, and the Missouri debates totally extinguished it. Even in Maryland and Virginia, now converted into slave-breeding states, the new domestic slave trade was fast suppressing those anti-slavery ideas once current among the more intelligent citizens. It did not escape notice that Pinkney and Clay, both of whom had begun their political career with earnest efforts for the

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curtailment and gradual abolition of slavery in their respective states, were now among the most vehement advocates for its extension over all the new West. It seemed ominous, indeed, that not one Southern member of Congress, though several were known to be, in theory, strongly hostile to slavery, had dared to vote to save Missouri from what they admitted to be a moral and political curse. It was a striking fact that not a public man in all the slaveholding states, with the single exception of Robert Goodloe Harper, then a member of the Maryland Senate, had ventured to dispute the ridiculous doctrine, invented for this special occasion, that Congress had no power to impose conditions on the admission of new states; and that Harper, while thus vindicating the power of Congress, had felt obliged to oppose its exercise, on the strength of Clay's transparent fallacy, that the best cure, or, at least, palliation of the evils of slavery, was—to spread it. Even Jefferson himself, as if tiring now, in his old age, of the "tempestuous sea of liberty," forgetting all his youthful zeal against slavery, and his desires, partially embodied in the ordinance of 1787, for its exclusion from all the western territory of the United States, repeated the same apologies for its extension west of the Mississippi. Abandoning his apostleship of the "rights of man," he seemed, by his letters—one of which was read, not without effect, on the floor of Congress—to be wholly engrossed with alarms lest this attempt to limit the extension of slavery might disturb the tranquillity and endanger the permanency of the Union.

The subject next in interest to the Missouri question was that of the protective policy, which was urged upon Congress in many petitions. Baldwin, who took the lead for the tariff party, insisted upon further encouragment to domestic manufactures as the only method of relieving

the prostrate industry of the country, and he proposed, with that view, besides a general increase of duties, particularly on cottons and woolens, to abolish the credit on duties, which operated as a premium on importations, and to levy an auction duty, designed to discourage the large sales made in that way on account of foreign manufacturers. This, too, became a sectional question, though not quite so much so as that respecting slavery. In the House, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Ohio, were very nearly unanimous for the new tariff; Maine, Massachusetts, Maryland, and Kentucky were about equally divided; Vermont and New Hampshire, with all the states south of the Potomac and of Kentucky, were unanimous against it. The bill passed, 91 to 78; but it was postponed in the Senate, 22 to 21—a fate which also overtook Baldwin's other two bills. The senators from Delaware and Kentucky voted with the North for the protective policy; those from Massachusetts went with the South, against it; the votes of New Hampshire, Vermont, and Tennessee were divided.

The Cumberland Road had been completed to Wheeling, at an expense of about $1,700,000. Many petitions had been presented for its continuance westward, and $10,000 were appropriated toward a survey, but with a proviso that this was to be no pledge for any further expense.

The general pecuniary depression had at length made itself felt by the treasury. The imports had so fallen off that Crawford anticipated for the current year a deficiency of five millions. To meet this expected deficiency of revenue, a loan of three millions was authorized. A curtailment of expenses was loudly called for, especially by the anti-tariff party. The first blow fell

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upon the Revolutionary pensioners, whose number of 16,000, the greater part Northern men, and whose pensions, amounting to three millions of dollars, had greatly exceeded all calculation. An act was passed to restrict pensions to such applicants as, upon a schedule of their property, exhibited under oath, the Secretary of War should adjudge indigent. He excluded all, with a very few exceptions, whose schedules exceeded $200; and, under this stringent rule, the list was reduced by about one half.

By way of check upon the inferior executive officers, among whom many defalcations had recently occurred, their term of service was limited to four years, at the end of which a reappointment became necessary, the president, of course, retaining his right of discretionary removal.

Among other speculations entered into during the inflated state of the currency, had been very wild ones in the purchase of public lands, especially in Alabama and Mississippi. Not less than twenty-five millions of dollars were due on this account, for which the purchasers had already obtained repeated extensions. To put a stop to the increase of this evil, the system of credit sales was abolished. The price was reduced to a dollar and a quarter the acre; lands henceforth to be purchasable in half-quarter sections of 80 acres. For the relief of the speculators still further embarrassed by this change, it was found necessary at the next session to allow them to relinquish lands to the extent of the amounts remaining due from them, or by payment down of the balance due, to reduce the price to be paid to a dollar and a quarter the acre, with the option, on their part, of an abatement of the interest in case of payment at the old rate by certain annual installments.

New and strenuous efforts were made for a Bankruptcy Act, but it failed, for much the same reasons as before.

The privateersmen employed in cruising under the Spanish American flags degenerated more and more into downright pirates, the natural after-growth of all long naval wars. Two small vessels were authorized to be built expressly to cruise against them. Many convictions and executions for piracy had lately taken place; but as there had been many escapes, also, through loopholes in the law, the act on that subject was revised and strengthened. By one of the sections of this new act, the name of piracy and the punishment of death was extended to the detention or transportation as a slave, in any vessel, of any negro or mulatto "not held to service under the laws of some one of the states"—a provision long demanded, and often before refused—a sort of conscientious offset, as may be supposed, to the keeping Missouri open to the new domestic slave trade.

In the course of the session, Smith, of Maryland, as chairman of the last congressional caucus, issued a call for a new one, to nominate candidates for the presidency and vice-presidency. But, as no special need was felt at this moment of this means of designating candidates, the proposed caucus was generally scouted. Not more than fifty members assembled, and they separated without doing any thing. There was a general acquiescence in the re-election of the present incumbents. The Federal papers of Boston professed themselves supporters of what they called the Washington-Monroe policy. Duane's Aurora, now completely shorn of its once potent influence, but still unchanged in its principles, bitterly complained that the administration had become thoroughly Federal. While old party distinctions had thus dis-

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appeared, no new ones, as yet, had been definitively formed, and Monroe having done nothing to provoke any special opposition, was considered as having a sort of vested right to a re-election. The vice-president would have preferred his old position as governor of New York, which he attempted to regain from Clinton, but without success. In consequence of accounts negligently kept, loss of or neglect to take vouchers, and, perhaps, the malversation of some of the agents employed, he found himself unable to account for large amounts of money which had passed through his hands during the late war. An act was passed for his relief by the New York Legislature, dispensing with the strictness of vouchers, and allowing him a per centage on the large advances obtained on his own private credit; but, notwithstanding this and a similar act afterward passed by Congress, he still remained involved in pecuniary embarrassments, which brought him, before long, to a premature grave.

The excitement usually incident to a presidential election was in part replaced by feelings of disquietude and dissatisfaction, growing out of the extremely depressed condition of the national industry, and, in several states, the disorder of the currency. The National Bank was, somewhat unreasonably, held responsible for the evils which it had failed to cure or prevent. In spite of the decision of the Supreme Court, the constitutionality of the charter was denied by several state Legislatures. The quarrel between the State of Ohio and the bank was still prosecuted with vigor. The tax imposed upon the two branches in that state had been reduced from $100,000 to $10,000 annually, and $90,000 of the money received had been restored; but, upon the tax thus reduced, the state seemed resolved to persist; and severe

penalties were enacted against any who should hinder or oppose its collection. The state tribunals were prohibited to entertain any suits on behalf of the bank, and the use was withdrawn of the state jails for the imprisonment of persons sued or prosecuted in the United States courts on the bank's behalf.

The Convention which met to frame a Constitution for Missouri added a new subject of excitement. The Constitution, as agreed to, was copied, in most respects, from that of Kentucky, but with the insertion of a new and special clause, requiring the Legislature to frame laws to prevent free colored persons from settling in the state. In the present irritated condition of the public mind at the North, this was looked upon as a deliberate bravado and insult. Free colored persons, otherwise qualified, had, in several of the free states, and in some of the slaveholding ones, the political character of citizens. Many of them, who had served as soldiers in the late war, held bounty land-warrants, which they might choose to locate in Missouri. The provision for excluding them was denounced as contrary to that clause of the Federal Constitution which secured to citizens of each state the privileges of citizenship in every state. Maine being already fairly in the Union, could no longer be kept waiting for Missouri, for whose admission a joint resolution would be necessary; and the intention was freely avowed not to admit her, unless this obnoxious clause was first withdrawn or modified. Indeed, there were those who wished to improve the opportunity to reconsider the action of the last session, and to keep Missouri out altogether, except on condition of the exclusion of slavery.

Provision had been made at the last session for the meeting of Congress a month earlier than usual, to give

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more time for the financial questions which were likely to come before it. Clay, detained by his engagements as counsel for the bank in the suits growing out of the Ohio controversy, was unable to be present. The struggle that ensued to fill his place as speaker clearly indicated the existing state of feeling. The North, which had furnished a speaker but four years out of the last twenty, brought forward as its candidates Taylor and Sergeant. The South, as if entitled to a monopoly of that important post, offered as candidates Smith, of Maryland—commercially ruined by the late bank speculations of his house, but not involved in his partner's breach of trust—Hugh Nelson, a Virginia member of ten years' standing, and Lowndes, between whom and Taylor the real struggle took place, ending, after twenty-two ballotings, spread over three days, in Taylor's election by a majority of two votes.

Up to the commencement of the current year, the government had enjoyed, since the war, a period of great financial abundance. Notwithstanding much heavier expenses than had been before known, in time of peace, for the army, navy, and fortifications, by the help of the internal and direct taxes, double duties, increased tariff, and heavy importations, there had been paid, much of it abroad, and not without adding heavily to the general embarrassment, sixty millions of the public debt; which stood now at ninety-two millions, about ten millions more than at Jefferson's accession. But this time of plenty was now quite over, and notwithstanding the loan of three millions, nothing but the forbearance of certain holders of over-due stocks had enabled Crawford to reach the end of the year with a bare million in the treasury, and a floating debt of four millions to be provided for.

To meet this deficiency, he proposed a new loan, and

retrenchments to prevent its recurrence. To the renewal of internal taxation he urged the objection, that as the Southern and Western branches of the United States Bank had ceased to issue notes, of which, in the depreciated condition of the local currencies, it was impossible to maintain the circulation, the people there had no currency in which Federal taxes could be paid. He suggested, indeed, as a probable means of enabling the notes of those branches to circulate, to restrict their receivability for public dues to the states in which they were issued. The bank directors were very anxious for such a change in their charter; but there was no disposition in Congress to grant any favors to the bank, and, least of all, one like this, which, in taking away from its notes their character of a uniform currency, one of the chief motives for granting the charter, would resolve it into a mere congeries of allied local banks, state banks in every respect except independence of state control. There was one thing, however, that Congress could not refuse, and that was the passage of a joint resolution to meet the late action of Ohio, authorizing the marshals of the United States, whenever the use of the state jails was withdrawn, to provide other places of confinement for prisoners committed to their custody.

Crawford's other financial recommendations were adopted in full. A loan of five millions was authorized; a great curtailment was made in the amounts appropriated for fortifications; the sum for the annual increase of the navy was reduced to half a million; the army was cut down to 6000 men. Ripley had already resigned his commission, an example soon followed by Jackson. Brown was continued major general, with Scott and Gaines as brigadiers. Macomb was provided for by being placed at the head of the engineers. But the completion

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of these measures, as well as the discussion again brought forward, of the new tariff scheme and auction tax, were staved off to the very end of the session, the tariff and auction tax, in fact, entirely, by the revived difficulty about the admission of Missouri.

Nov. 23.

Lowndes, as chairman of a committee of the House to whom that subject had been referred, made a report, in which it was attempted ingeniously to evade the objection started at the North. Instead of resorting to the extreme doctrine, since set up, that colored men can not be citizens of the United States, this report merely suggested that there certainly was a considerable class of free colored persons who could not claim to be citizens of any state. Those of the South were generally in that condition; and the clause objected to in the Constitution of Missouri might be, and ought to be, taken to relate wholly to them. A joint resolution reported by Lowndes for the admission of Missouri was suffered to lie for a fortnight on the table, in hopes of some arrangement out

Nov 29.

of doors, and to await the action of the Senate, into which a similar resolution was soon after introduced. But the echoes which meanwhile came from the North, in resolutions of the Legislatures of Vermont and New York, were not encouraging.

To smooth the way in the Senate, Eaton, of Tennessee, who had some claims on Northern favor by having voted for the tariff, proposed to add a proviso, that Congress should not be understood as assenting to any clause in the Constitution of Missouri, "if any such there be," in contravention of the constitutional rights of citizens of each state to citizenship in all the states. King pronounced this wholly unsatisfactory; Macon, from the other

Dec. 12

extremity, also opposed it; but it was adopted, and the resolution thus amended, was passed, 26 to 18, the sena-

tors from Maine, of whom Holmes was one and General Chandler the other, those from Delaware and Illinois, Parrott, of New Hampshire, and Taylor, of Indiana, voting with the slaveholders. But in the House things did not go so easy; Lowndes's resolution was rejected there the next day, 93 to 79. Of the compromisers, or "doughfaces" of the last session, Baldwin, triumphantly re-chosen to the next Congress, Bloomfield, Shaw, Smith, Meigs, and M'Lean, still adhered to the slaveholders. Mason, who had given great offense by voting for the new tariff (a vote censured by a public meeting of his Boston constituents), and Fullerton, had resigned, and their places had been filled, as had that of Holmes, by anti-compromise members. The other seven compromisers had been lectured back into a Northern position. The Senate resolution, which was by no means satisfactory to either side of the House, was suffered to lie on the table for some six weeks, while the army and other bills were under discussion, where soon was placed beside it a motion for the admission of Missouri after a certain fixed day, provided she should first have expunged the objectionable clause from her Constitution. This latter motion, was offered by Eustis who, having returned from his mission to Holland, had been chosen, since the last session, to fill a vacancy in one of the Massachusetts districts. Being called up first, it was voted down by a large majority, partly of Northern men led by Sergeant, anxious to break up the late compromise, with a view to make Missouri a free state, and partly of slaveholders, resolved to force her in with her Constitution precisely as it stood. A pause and brief silence followed the announcement of this vote. It was broken by Clay, who had recently taken his seat, and who now gave notice

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1821. Jan. 24

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that, if no other motion were made, he should move, the next day, to take up the Senate resolution.

1821. Jan. 27. In the debate upon that resolution, Clay declared his readiness to vote for it, not merely as it stood, but in a shape still more imperative as to any repugnance or supposed repugnance between the Constitution of Missouri and that of the United States. Randolph, on the other hand, moved to strike out the proviso; to which Lowndes and Barbour replied, that to strike it out would only bring back the question of the admission of Missouri with her Constitution as it stood, once already decided in the negative. Foot of Connecticut, late compromiser, but now voting with the North, acting upon Clay's hint, proposed an additional proviso, that the objectionable clause should be expunged within two years, in the mode of amendment prescribed by the Constitution of Missouri. This was to meet a Southern objection to Eustis's resolution, that there was no means of making seasonably the amendment it required. To meet the Northern objection to this proposal of Foot's, that it provided no security for the actual making of the amendment, Storrs, himself, like Foot, a late compromiser, moved that the Legislature of Missouri be required to declare their assent to this condition previously to the next meeting of Congress. But after some debate, in which both sides showed a good deal of warmth, both these propositions were voted down, as was another, somewhat less stringent, offered by M'Lean.

Feb. 2. Clay, with the expression of great anxiety for a settlement, then moved to refer the whole subject to a committee of thirteen, of which he became chairman, with five Southern and seven Northern colleagues.

A majority of the Northern members of this committee agreed that Missouri ought to be admitted on the basis of the compromise of the last session. Such was evident-

ly the sense of the House, a motion to refer the whole subject to the next session having obtained but 61 votes, including the ultras on both sides. To smooth the way, the Southern members of the committee agreed to a res olution, by which the admission was made dependent on a solemn pledge, to be given by the Missouri Legislature previous to the next meeting of Congress, that the Constitution should not be construed to authorize any law, and that no law should ever be passed, excluding any description of persons now citizens, or who might become citizens of any other of the states, from coming to or settling in that state. But, to save the pride of the slaveholders, another clause was added, seeming to recognize the Virginia doctrine, by admitting that Missouri stood on the same basis as the original states, and might constitutionally exercise any the same rights of sovereignty.

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Yet, in spite of Clay's utmost efforts to conciliate support from both sides, this resolution, after having been carried through one stage and lost in another, was, upon a reconsideration, finally defeated, 88 to 82. The Southern members voted for it almost in a body; aware, at last, that to secure the meat, it was absolutely necessary to let the North have the shells, and fearful lest the whole arrangement for admitting Missouri as a slave state might be overthrown, and a Northern political union be cemented fatal to that Southern ascendency hitherto sustained by Northern divisions, Hill, Eddy, Stevens, Storrs, and Tompkins, compromisers of the last session, also came over to the support of the resolution, which they would have sufficed to carry, had not their votes been offset by those of four Southern impracticables,—Randolph and Garnet, of Virginia, and Edwards and Burton, of North Carolina—not to be satisfied with any thing short of unconditional admission.

CHAPTER XXXII.

1821. Feb. 14.

The next day had been appointed for a joint session to count and declare the votes for president and vice-president, a choice very nearly unanimous, only one elector having voted against Monroe, and but fourteen against Tompkins. To avoid any controversy as to the right of Missouri to vote, it had been agreed, on the report of a joint committee, that the result should be announced both ways, including Missouri and leaving her out, to be followed by a declaration that by either count Monroe and Tompkins were elected. This, however, did not prevent interruption from the ultras on both sides. When, at the close of the count, the vote of Missouri was announced, Livermore, of New Hampshire, objected to its reception, because she was not a state of the Union. At this interruption the Senate withdrew, when Floyd, of Virginia, submitted a resolution that Missouri was a state, and entitled to vote. After considerable discussion, this resolution, on Clay's motion, was laid on the table, and a message was sent to the Senate that the House was ready to proceed with the count. The joint session having been reconstituted, and the president of the Senate proceeding to proclaim the election of Monroe and Tompkins, he was interrupted by inquiries from Floyd and Randolph whether the vote of Missouri had been counted or not. Some confusion ensued, when the two members were declared out of order, and were required, as well by the speaker of the House as by the president of the Senate, to take their seats. The president of the Senate then finished the annunciation, and the joint session was closed, leaving Randolph on his feet struggling for the floor. As soon as the House was reorganized, he offered a resolution declaring the late proceedings irregular, because the vote of Missouri had not been counted. Great confusion arose, but an adjournment was soon car-

ried. The next day the House refused to consider the resolution, the minority, however, amounting to thirty.

1821.

That same day, Roberts, of Pennsylvania, offered a resolution in the Senate for admitting Missouri on condition that the objectionable article in her Constitution should be modified, and that, pending such modification, no law should be passed founded on that article. This resolution was voted down, 19 to 24; but some of the dissenting slaveholders intimated that they would support such a resolution if it came from the House.

Feb. 15.

Feb. 21

During the whole session, now just upon its close, the excitement of the members had grown higher and higher. As the slaveholders had formerly persisted in continuing the war with Great Britain, at the greatest national hazards, solely for sailors' rights, for which, in fact, they cared very little, and, if cool, would have risked nothing; so now the Northern members, under a like impulse, seemed ready to push the pending quarrel to any extremity, on behalf of the free colored population, for whom they cared even less, if possible, than the slaveholders did for the sailors. So true is it, and let it not be forgotten, that no class can exist in any community so helpless and despised that it may not become the very hinge on which the fate of the nation shall turn.

As a last resource, Clay moved a joint committee to consider whether it was expedient to admit Missouri into the Union, and if not, what provision, adapted to her actual condition, ought to be made. This motion prevailed, 101 to 55, all the Southerners, except Randolph and his two or three followers, voting for it, and also that large section of the Northern men, who, from the beginning of the session, had regarded the affair merely as a question of honor, and not as a means for renewing the attempt to exclude slavery from Missouri. The com-

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1821.

mittee on the part of the House, chosen by ballot, included ten slaveholders, eight Northern men, and five compromisers; twenty-three in all. Two slaveholders, four Northern men, and one compromiser composed the seven on the part of the Senate.

The resolution agreed upon by this committee, though less specific in its terms, did not differ materially from that lately rejected by the House. A solemn pledge was required of the Missouri Legislature, that the Constitution should not be construed to authorize the passage of any act, and that no act should be passed, "by which any of the citizens of either of the states should be excluded from the enjoyment of any of the privileges and immunities to which they are entitled under the Constitution of the United States." Such a pledge having been given by the Legislature, and announced by a presidential proclamation, Missouri was thereupon to become a member of the Union.

By the help of the previous question, the resolution thus reported was carried through the House, 86 to 82. Edwards, of North Carolina, and three obscure members from Pennsylvania, who had voted against the late report of Clay's committee, voted for this. Southard of New Jersey, afterward Secretary of the Navy, absent on the former occasion, now voted in the affirmative, while the

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other side lost not only those who changed, but Burton, one of Randolph's men, and Crafts, of Vermont, absent. The Senate concurred, 26 to 15; all the negatives Northern men, except Macon. The Missouri Legislature hastened to comply with the condition imposed; and thus was this "distracting question," as the newspapers called it, finally disposed of.

Between the failure of Clay's first and the success of

Feb. 19.

his second attempt to arrange the admission of Missouri,

the Spanish ratification of the Florida treaty arrived. The reacceptance of that treaty by the Senate was considered in some sort a Northern triumph, since greedy eyes had already been fixed on the province of Texas, with the avowed intention of erecting out of it new slave states. The arrival of this treaty caused the rejection, by a small majority, of Clay's annual motion for an appropriation for the salary of a minister to the South American republics. The House, however, adopted a resolution expressing deep interest in the success of the struggle of those provinces to establish their liberty and independence, and their readiness to give the president all constitutional support, whenever he should deem it expedient to recognize their independence.

With the reannexation of Florida to the Anglo-American dominion, the recognized extension of that dominion to the shores of the Pacific, and the partition of these new acquisitions between slavery and freedom, closed Monroe's first term of office; and with it a marked historical era. All the old landmarks of party, uprooted as they had been, first by the embargo and the war with England, and then by peace in Europe, had since, by the bank question, the internal improvement question, and the tariff question, been completely superseded and almost wholly swept away. At the Ithureal touch of the Missouri discussion, the slave interest, hitherto hardly recognized as a distinct element in the American social system, had started up portentous and dilated—disavowing the very fundamental principles of modern democracy, and again, as in the Federal Convention, threatening the dissolution of the Union, unless allowed to dictate its own terms. It is from this point, already beginning to fade away in the distance, that recent American politics take their departure.

AUTHORITIES.

[Works mentioned in the list at the end of the first series are not repeated here.]

Lowrie and Clarke, American State Papers. 21 vols. folio. Washington, 1832-34.

Wait's State Papers and Public Documents. 10 vols. 8vo. Boston, 1817. [Contained also in the above.]

House and Senate Documents, 1814-21.

Journal of the Senate of the United States, 1789-1821. 36 vols. 8vo. (Reprinted to 1815. 5 vols. 8vo.)

Executive Journal to the end of the Nineteenth Congress. 3 vols. Washington, 1820.

Journal of the House of Representatives, 1789-1821. 36 vols. 8vo. (Reprinted to 1815. 9 vols. 8vo.)

Statutes at Large of the United States, and Treaties. Peters' edition. 9 vols. 8vo. Boston, 1845-52.

Land Laws, with Instructions and Opinions. 2 vols. 8vo. Washington, 1838.

Lloyd, Thomas, Congressional Register, 3 vols. 8vo. (Debates in the first House of Representatives, 1789-91.)

Gales, Annals of Congress. 10 vols. 8vo. (Compilation of Debates, 1787-1801.)

Dallas, Reports of Cases in the Courts of Pennsylvania, and in those of the United States. 4 vols.

Cranch, Cases in the Supreme Court of the United States. 9 vols.

Wheaton, Cases in the Supreme Court of the United States. 12 vols.

Gallison, Reports of Cases before Story. 4 vols. 8vo.

Washington, Circuit Court Reports. 4 vols.

Peters' Admiralty Decisions. 2 vols.

Massachusetts Reports. 17 vols.

Johnson's New York Cases. 3 vols.

Johnson's New York Reports. 21 vols.

Binney, Pennsylvania Reports. 6 vols.

Sergeant and Rawle, Pennsylvania Reports. 17 vols.

United States Digest, and Supplement. 6 vols. 8vo.

Wharton, State Trials of the United States during the Administration of Washington and Adams. 8vo.

Martin, Digest of the Laws of Louisiana. 3 vols. 8vo.

Story, Commentaries on the Constitution of the United States. 3 vols. 8vo.

Gazette of the United States (Fenno), New York and Philadelphia, 1789-1810.

National Gazette (Freneau), Philadelphia, 1792-3.

Philadelphia Gazette (Brown), 1794-1800.

General Advertiser and Aurora (Bache and Duane), Philadelphia, 1790-1821.

Minerva (1794-7, afterward Commercial Advertiser, 1797-1821) (N. Webster, &c.). New York.

Evening Post (Coleman), New York, 1800-21.

Republican Watch-tower (Dennison and Cheetham), New York 1800-7.

National Intelligencer (Smith, Gales) Washington, 1800-21.

Palladium, Boston, 1801-21.

Chronicle, Independent (Austin and others), Boston, 1789-1815.

Repertory (Park), 1803-12.

Patriot, Boston, 1809-19.

Boston Daily Advertiser (Nathan Hale), 1813-21.

Niles' Weekly Register, Baltimore, 1811-21.

Cobbett, Porcupine's Works, 12 vols. London, 1801.

Gibbs, Memoirs of the Administrations of Washington and John Adams, from the Papers of Oliver Wolcott. 2 vols. New York, 1841.

Hamilton, Alexander, Works, comprising his Correspondence. Edited by J. Hamilton. 7 vols. 8vo. 1851.

Hamilton, Alexander, On certain Documents in the History of the United States for 1796 (Callender's), in which he is charged with Speculation. 1797.

The Politics and Views of a certain Party displayed, 1792.

Harper, R. G., Select Works. 8vo.

Findley, Review of the Revenue System, in 13 Letters, 1794.

Findley, History of the Insurrection of the four Western Counties of Pennsylvania, 1796.

Brackenridge, Incidents of the Insurrection in 1794 in Pennsylvania, 1795.

Objections of the Inhabitants of Boston to Jay's Treaty, 1795.

Randolph, Ed., Vindication of Mr. Randolph's Resignation, 1795.

Wansey, H., An Excursion to the United States in the Summer of 1794. 12mo. Salsbury, Eng., 1796.

A short History of the Nature and consequences of Excise Laws, with an Account of the recent Interruption to the Manufacture of Snuff and Refined Sugar, 1795.

Carey, American Remembrancer, Collection of Documents and Speeches relating to Jay's Treaty. 2 vols. 1795.

Carey. Short Account of the malignant Fever in Philadelphia, 1793.

Debates on the constitutional Power of the House as to Treaties. 8vo.

Political Wars of Otsego, 1796.

Letter to Washington, containing Strictures on his Farewell Address, by Jasper Dwight, of Vermont, 1796.

Paine, Thomas, Rights of Man. Parts first and second, 1791-92.

Paine, Thomas, Age of Reason. Parts first and second, 1794-96.

Paine, Thomas, Letter to Washington on Affairs public and private, 1796.

Remarks occasioned by the late Conduct of Mr. Washington as President, 1797.

Milton, J. G., Brief Considerations of the important Services, Talents, &c., of Mr. Adams for President, 1796.

Pretensions of Thomas Jefferson to the Presidency examined, and Charges against John Adams refuted.

Adams, John, Discourses on Davilla.

Adams, John, Correspondence of the late President Adams, originally published in the Boston Patriot, 1809.

Adams, John, Cunningham Correspondence, 1803-12, 1824.

Gallatin, Sketch of the Finances of the United States, 1796.

Callender, John Thompson, Annual Register for 1796.

Callender, John Thompson, History of the United States for 1796.

Callender, John Thompson, Sketches of the History of America, 1798.

Callender, John Thompson, Sedgewick and Co., or a Key to the Six per cent. Cabinet, 1798.

Callender, John Thompson, Prospect before us. Parts first, second, and third, 1800.

Callender, John Thompson, Trial of, for Sedition, 1800.

A short History of late ecclesiastical Oppressions in New England and Vermont, 1799.

Observations on some late Transactions in and out of Congress, in regard to the Election of President. By a Member of the Stamp Act Congress, 1797.

Selection of the patriotic Addresses to the President, with his Answers, 1798. 12mo. Boston, 1798.

Monroe, James, View of the Conduct of the Executive connected with the Mission to the French Republic, 1797.

Address to the People of Virginia respecting the Sedition Law, 1798.

Pinckney, Charles, Three Letters by a South Carolina Planter, 1799.

Nicholas, George, Letter justifying the Conduct of the Citizens of Kentucky. Lexington, 1797.

Observations on the Above, by an Inhabitant of the N.W. Territory. Cincinnati, 1799.

Barlow, Joel, Letter to his Fellow-citizens, 1799.

Pendleton, Ed., Letter on the present State of the Country, 1799.

Address of fifty-eight Federal Members of the Virginia Legislature to their Fellow-citizens.

Proceedings on the impeachment of William Blount, 1799.

Federal Republicans' Address to the Citizens of South Carolina on the Election of a President, 1800.

Rochefoucald-Liancour, Voyage dens les Etats Unis d'Amérique. Faits en 1795 1796, et 1797. Paris, 4 vols. 8vo.

Description of the Settlement of the Genesee Country, in a Series of Letters, 1799.

Facts and Observations as to the Nature and Origin of the pestilential Fever in Philadelphia in 1793, 1797, and 1798. By the College of Physicians.

Rush, Observations on the Origin of the Yellow Fever in Philadelphia, 1799.

Brown, Nature and Origin of the Yellow Fever as it prevailed in several of the Capitals of the United States, particularly in Boston, 1800.

Proofs of the Origin of the Yellow Fever in 1797 from domestic Exhalations, 1798.

Two Trials of John Fries for Treason, 1799.

View of the New England Illuminati who are engaged in destroying the Religion and Government of the United States, 1799.

Bishop, Abraham, Georgia Speculation unvailed, 1797.

Bishop, Abraham, Oration on political Delusion, 1800.

Bishop, Abraham, Oration on the Election of Jefferson, 1801.

Bishop, Abraham, Oration in honor of the Election of Jefferson and the Acquisition of Louisiana, 1804.

Bishop, Abraham, Proofs of a Conspiracy against Christianity exhibited by the Views of Church and State in New England, 1802.

Church and State, a political Union formed by the Enemies of both, 1802.

Letter to a Member of the General Assembly of Virginia on the late Conspiracy of Slaves, with a proposal for their Colonization, 1801.

Violence of Party Spirit exemplified in a recent removal from Office, 1801.

Examination of the President's Reply to the New Haven Remonstrance, 1801.

Wood, John, Administration of John Adams, 1802.

Wood, John, Correct Statement of the Sources from which the Administration of John Adams was compiled, and the Motives of its Suppression by Colonel Burr, 1802.

Wood, John, Full Exposition of the Clintonian Faction, with Remarks on Warren, 1802.

Wood, John, Statement of the Trial and acquittal of Aaron Burr (in Kentucky), 1807.

Antidote to John Wood's Poison, by Warren, 1802.

Narrative of the Suppression of Wood's History of John Adams, 1802.

View of the Political conduct of Aaron Burr, by the author of the Narrative, 1802.

History of the late Session of Congress, which convened December 7, 1801.

Debates in the Senate on the Judiciary. 8vo. 1802.

Debates on the Repeal of the internal Taxes, 1802.

Wolcott, Oliver, Address as to the faithful Expenditure of Moneys drawn from the Treasury, 1802.

Webster, N., Papers on political and commercial Subjects, including a History of Banks in the United States, 1802.

Cheetham, James, Letter to a Friend on the Conduct of the Adherents of Colonel Burr, 1802.

Cheetham, James, Nine Letters on the Subject of Burr's political Defection, 1803.

Cheetham, James, Reply to Aristides, 1803.

Cheetham, James, Peace or War; or Thoughts on our Affairs with England, 1807.

Cheetham, James, Life of Thomas Paine, 1809.

Van Ness, Examination of the Charges against Aaron Burr by Aristides.

Van Ness, Appendix to Aristides, proving that Hamilton exerted his Influence to support Jefferson, 1804.

Trial of Alexander Addison, Esq., on an Impeachment, before the Senate of Pennsylvania, 1803.

Mississippi Question examined, by Camillus, 1803.

Debate in the Senate on the right of Deposit at New Orleans, 1803.

Trial of John Pickering, Judge of the New Hampshire District, before the Senate, 1803.

Memorial of the Agents of the New England Mississippi Company, with a Vindication of their Title at Law, 1804.

A few Facts in Reply to the Agents of the Mississippi Land Company, 1805.

Judd, Wm., Address to the People of Connecticut on the removal of himself and four other Justices for declaring that the State had no Constitution, 1804.

Defence of the Conduct of Commodore Morris during his Command in the Mediterranean, 1804.

Speeches of the Counsel in the great Case of the People *vs.* Harry Croswell, for Libel, 1804.

Collection of Facts and Documents relative to the Death of General Hamilton, 1804.

Coxe, T., Exposition of some Facts relative to his Conduct, 1805.

Defence of Young and Minns, Printers to the State, charged before the Massachusetts House of Representatives with Libeling Jefferson, 1805.

Eaton, William, Transactions of the Squadron in the Mediterranean, 1805.

Lewis and Parke's Expedition to the Sources of the Missouri, and thence to the Pacific, 1804-6. 2 vols. 8vo. 1814.

Trial of Judge Chase on an Impeachment, before the Senate of the United States. 2 vols. 8vo. 1805.

Trial of the Pennsylvania Judges on an Impeachment, 1805.

Trial of T. O. Selfridge for the Murder of Austin, 1806.

Letters to De Witt Clinton, by Marcus, 1806.

Blodgett, Economica, a statistical Manual for the United States, 1806.

Trials of W. S. Smith and S. C. Ogden. 8vo. 1807.

Carpenter, Trial of Colonel Aaron Burr. 3 vols. 8vo. 1807.

Robertson, Reports of the Trials of Colonel Aaron Burr. 2 vols. 1808.

Trials of Colonel Lewis Kerr and Hon. James Workman for setting on foot an Expedition against Mexico. New Orleans, 1807.

Speeches of Harper and Martin on the Trials of Bollman and Swartwout, with General Adair's Letter, 1807.

Daviess, View of the President's Conduct concerning the Conspiracy of 1806.

Debate in the House of Representatives of the Territory of Orleans, on a Memorial to Congress on the illegal conduct of General Wilkinson, 1807.

A faithful Picture of the Political Situation of New Orleans, 1807.

A short Review of the late proceedings at New Orleans, by Agrestis, 1807.

Workman, James, Letter to the Inhabitants of the County of Orleans, with Letters to Governor Claiborne, 1807.

Private Journal of Aaron Burr during his Residence in Europe, 1808-12. 2 vols. 8vo. 1838.

D'Oyley, Letter to Ex-governor Charles Pinckney, 1807.

War in Disguise, or the Frauds of Neutral Flags, 1807.

Statement of the Transactions of the American Commissioners, under the Convention of 1800, with France, 1807.

Letters of Philo Cato to De Witt Clinton, 1808.

Constitution and associate Statutes of the Theological Seminary at Andover, with a Sketch of its Rise and Progress, 1808.

A short Account of the Proceedings of the Camp-meeting of the Methodists at Pittsfield, by a Spectator, 1808.

An Account of the Interment of the Remains of 11,500 American Victims to the Cruelty of the British, 1808.

Speeches of his Excellency Caleb Strong to the Senate and House of Massachusetts, with their Answers, 1800-7.

Livingston, Ed., Address to the People of the United States on the Measures of the Executive, in relation to his Claim to the Batture, 1808.

A brief History of the proposed Impeachment of the Governor of Pennsylvania (M'Kean), with his Message and Defence, 1808.

Constitutionality of the Embargo in a Case at Law, 1808.

Ames, Fisher, Works, with Notices of his Life, 1809.

Pickering, T., Narrative of the Outrage committed upon him at Wyoming.

Pickering, T., Letter to Governor Sullivan on the imminent Danger of an unnecessary and ruinous War, 1818.

Pickering T., Letters on the Conduct of the American Government toward Great Britain and France, 1811.

Pickering, T., Review of the Cunningham Correspondence, 1824.

Adams, John Q., Answer to Paine's Rights of Man, 1793.

Adams, J. Q., Letter to Harrison Gray Otis on the present State of National Affairs, 1808.

Adams, John Q., American Principles; a Review of Fisher Ames' Works, 1809.

Adams, John Q., on the Fisheries and the Mississippi, 1832.

Adams, J. Q., Correspondence with several Citizens of Boston concerning the Charge of a Design to Dissolve the Union 1829.

General Account of Miranda's Expedition, 1808.

On the next Election of President of the United States, and the late Measures of the Administration, 1808.

An Address to the People and to the Electors of President, with a Sketch of the Biography of General George Clinton, 1808.

Reflections on the Administration of Justice in Pennsylvania, 1809.

Clark, D., Proofs of the Corruption of General Wilkinson, and of his Connection with Burr.

Peters, R. Jun., The whole Proceedings in the Case of Olmstead and others against Rittenhouse's Executrices, 1809.

Trial of General Michael Bright and others for resisting the Service of Process, 1809.

Pike, Expeditions to the Sources of the Mississippi, and through the western Parts of Louisiana, 1805-7.

Narrative of Joshua Davis, an American Citizen, who was pressed and served on Board six Ships of the British Navy, 1811.

American Register, or General Repository of History, Politics, and Science. 7 vols. 1806-10.

Jesuits' Letters during a late Residence in America, 1810.

Address of the New York Committee in support of the Nomination of De Witt Clinton for the Presidency, 1812.

Synopsis of Debates in the Massachusetts Legislature respecting the Declaration of War.

Report of the Committee of the General Assembly of Connecticut as to power over the Militia Army, 1812.

Papers relative to the recent Riots at Baltimore, 1812.

Message of Governor Tompkins (relating to the War), with the Resolution of the Assembly, and Documents, Nov., 1812.

Historical Register. 2 vols. 1812-13.

Facts relating to the Campaign on the Niagara Frontier in 1812.

Report of the Inhabitants of the Niagara frontier to the House of Representatives, 1817.

M'Affee, History of the late War in the Western Country. Lexington, Ky., 1816.

Lathrop, Compendious History of the Battles of the War of 1812.

Victories of Hull, Jones, Decatur, and Bainbridge, with a Collection of Songs, &c., in celebration of them. 1813

Clark, Sketches of the Naval History of the United States. 12mo. 1813.

Porter, Journal of a Cruise in the Pacific, 1812-14. 2 vols. 8vo. 1815.

Defence of General Hull before the Court-martial, 1814.

Hull, Memoir of the Campaign of the Northwestern Army, A.D. 1812.

Fay, Official Accounts of the Battles by Sea and Land, 1812-15.

Dalliba, Narrative of the Battle of Brownstown, 1816.

Stoddard, Historical and Descriptive Sketches of Louisiana, 1812.

Christie, Military and Naval Operations in the Canadas, 1807-15. Quebec, 1818.

Latour, Historical Memoir of the War in West Florida and Louisiana in 1814-15.

Armstrong, Notices of the War of 1812. 2 vols. 12mo.

Ingersoll's Historical Sketch of the second War between Great Britain and America. 2 vols. 8vo. 1845-9.

James, Military Occurrences of the late War between Britain and America. London, 1818.

Brackenridge, History of the late War between the United States and Great Britain. 12mo. 1817.

Boyd, John P., Documents relating to military Events during the late War, 1818.

Gleig, British Army at Washington and New Orleans, 1814-15. 12mo. London. 1827.

Dawson, Historical Narrative of the civil and military Services of General Harrison. Cincinnati, 1824.

Izard, Official Correspondence with the War Department, 1814-15.

Reed and Eaton, Life of General Jackson, with a History of the War in the South, 1817.

Claiborne, N. H., Notes on the War in the South, with Biographies of Jackson, Sevier, Governor Claiborne, and others. 12mo. Richmond, 1819.

Report of a Committee of the Virginia Legislature (1848) on the Defence of Craney Island in 1813.

Inquiry respecting the Capture of Washington, with an Examination of the Report of the Committee of Investigation, 1814.

Remarks on the above, 1814.

Ingraham, Sketch of the Events which preceded the Capture of Washington by

the British. (Printed, but not published, 1844.)

Documents relating to a military Conscription and naval Impressment, 1815.

Account of the Hartford Convention, from official Documents, with an attested Copy of the secret Journal, 1815.

Sullivan, Familiar Letters on public Characters and public Events, from 1783 to 1815. Boston, 1834.

Dallas, A., Causes and Character of the War, 1815.

Dwight, T., History of the Hartford Convention, 1338.

Dwight, T., Character of Thomas Jefferson, 1839.

Letters, by one of the Convention, to develop its Character and Views, 1820.

Otis, H. G., Letters on the Hartford Convention, 1824.

Account of the Dartmoor Massacre, 1815.

Exposition of the Motives for opposing the Nomination of Mr. Monroe to the Presidency, 1816.

Pinckney, C. (?), Observations to show the Propriety of the Nomination of Monroe. Answer to the above, 1816.

Report of the Commissioners on the Erie and Champlain Canals, 1817.

Narrative of the Seminole Campaign, 1819.

Van Buren, M. (?), Considerations in favor of the Appointment of Rufus King to the Senate of the United States, 1819.

Tompkins, D.D., Letter [on his financial efforts during the war] to Archibald M'Intyre, Controller of the State of New York, 1819.

Correspondence between Andrew Jackson and J. C. Calhoun, on the Seminole War, 1831.

Appeal to the Government against the Depredations of American Privateers on Nations at Peace with us, 1819.

Consolidation; an Account of Parties in the United States from 1787 to 1824.

Bradford, Biography of Caleb Strong.

Life of the Rev. David Rice, with a History of the Church in Kentucky.

Biographical Sketch of General John Adair.

Harris, Life and Services of Commodore Bainbridge, 1837.

Colden, C. A., Life of Fulton.

Wheaton, Life, Writings, and Speeches of William Pinkney.

Brown, Memoirs of the Rev. Robert Finley.

Life of General William Eaton.

Garland, Life of John Randolph. 2 vols. 8vo.

Kennedy, Memoirs of William West. 2 vols. 8vo.

Morrison, Life of Jeremiah Smith, Governor and Chief Justice of New Hampshire, 1845.

Safford, Life of Blennerhassett.

Memoir of Rev. Robert Finley, D.D.

Birbeck, Letters from Illinois. London, 1818.

Birbeck, Notes on a Journey in America London, 1818.

Address of the Board of Managers of the Colonization Society to the auxiliary Societies.

First, second, third, fourth and fifth Annual Reports of the Colonization Society.

Pitkin, Statistical View of the Commerce of the United States.

Seybert, Statistical Annals of the United States. 4to. 1818.

Losses sustained by the Bank of the United States at Baltimore, with a Report of the Trial of Buchanan, M'Culloch, and Williams for Conspiracy, 1823.

Hammond, Political History of New York. 2 vols. 8vo. 1842.

Morse, American Universal Geography 2 vols. 8vo. 1805.

Morse, American Gazetteer, 8vo. 1810.

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